MR. C. O. MADHAVAN (*Excise Commissioner*): Government have given an undertaking in one of the former sessions of the Council that during every contract there will be a reduction of 5 per cent. in the number of toddy and arrack shops.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): Is that practice kept on now?

MR. C. O. MADHAVAN (*Excise Commissioner*): Yes.

LEGISLATIVE BUSINESS.

THE TRAVANCORE EDAVAGAI BILL—(*contd.*)

PRESIDENT: The Assembly will now resume discussion of the motion of the Law Member that the Travancore Edavagai Bill be taken up for consideration.

Before, however, I call upon any member to speak, I wish to appeal to the House to help me in getting through the proceedings as quickly as possible. The House is well aware that there are only three days that have been set apart for legislation. We have already spent a day and a half and what remains is therefore the remaining moiety. I am aware that the Rules do not lay down any time limit for speeches in regard to legislation. But it is open to the Chair to watch the discussions and ask the member to abbreviate his speech if there is any repetition or irrelevant matter introduced. I shall certainly not at once lay down any time limit arbitrarily. I shall certainly watch the proceedings and if it is found necessary, I shall perhaps be constrained to lay down a time limit. As an instance of the manner in which the discussion has gone on, I may perhaps draw the attention of the House to the fact that one honourable member who began his speech yesterday has not yet concluded it and I am not sure for how long he is going to occupy the House. My purpose in asking the House to help me in this respect is to enable other members who might wish to speak to have a chance For if at the end of the third day there is very little chance for other members to speak, it may become necessary for the Chair to hustle through the proceedings, which I should certainly discard. And therefore I am appealing in all sincerity to the members of the House to help me, to cut short their speeches as far as possible but let it not be understood that I am curtailing the freedom of speech nor am I asking them to be as brief or to be brief with a vengeance. They should certainly be allowed all opportunity to place before the House such points as they regard as important. My only request to them is that they should be as brief as possible in their observations and not lengthen the speeches for unnecessarily long time. With these few observations I hope I shall have the assistance of the House in getting through all legislative business that has been placed before the House for disposal in the course of the three days. I think I must call upon Mr. Thanu Pillai to resume his speech.

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MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, I shall refer and that, as briefly as I can, only to a few more facts that I think will be of help to the House in arriving at a conclusion as to the course to be adopted in regard to the Edavagai Bill. I was dealing with the question of levying a price for the land in the possession of persons who are already land-holders. I wish to make an observation with a view to remove a misconception. Even though the term *taravila* is used, it should be distinctly understood that it is quite different from the *taravila* levied by Government on *puduval* lands at the time of their registry. When a *puduval* land is newly registered, it is but proper that *taravila* is levied. But the provision that I oppose in the present Bill is the one for the levy of *taravilaor* any price in respect of holdings which are actually held by a tenant. There is that important distinction which has to be kept in view.

Then I referred to the complicated provisions made by the Select Committee because of the introduction of the levy of *taravila*. For instance, when a tenant is in occupation and has made improvements and if a price is to be taken from him before he is given permanent occupancy rights and if he is not willing to pay that price, he has to be evicted. That has necessitated the making of a number of provisions. In such a case, the land-holder has to be allowed to continue till his term runs out and till he is paid the value of his improvements. In the face of these complications, I do not know how many holdings are likely to be settled.

There are also certain other matters which ought to be considered Regarding the levy of *melvaram*; so far as I can see, I was not able to get at sufficient information of the right of the Chiefs. In one Edavagai, the representative of the Chief said that no *melvaram* was levied. In order to arrive at the right conclusion, evidence ought to have been taken and unfortunately that was not done.

So, Sir, without taking any more time of the House, I say that the levy of *taravila* according to me is highly unjust and if the House agrees with me in that view, then the whole Bill has to be redrafted and it must certainly go back to the Select Committee. Equal treatment should be accorded to the land-holders of all Edavagais and to the Chiefs of all Edavagais. If that is accepted, then also the Bill should go back to the Select Committee. Some other matters to which I have referred may be dealt with even without the Bill being sent back.

This is a piece of legislation that is not going to directly affect the entire State, but only limited areas; and in a matter like this, the duty resting on the House is by no means less than its duty in respect of a legislation that has to affect the whole country. I have nothing to do with the Poonjar or Vanjipuzhai Edavagais except as a member of the State of which these Edavagais form part and so also are the majority of the other members. Only a very few members may have more direct or personal interest in the questions involved. So I particularly appeal to the members of the House to consider well before they come to a conclusion in respect of this matter. With these words, I strongly support Mr. Kunjukrishna Pillai's motion.

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MR. S. J. NAIR (*Nedumangad*): Sir, I oppose this amendment that has been moved to recommit the Bill as redrafted by the Select Committee.

(At this stage the President left the Chair and the Deputy President presided.)

MR. S. J. NAIR (*Nedumangad*): The Bill as presented to this House after having been redrafted by the Select Committee would clearly show that the honourable members of the Select Committee have discharged their onerous duties most satisfactorily. A study of the Bill that is presented to this House now would clearly show that they have taken into consideration not only the interest of the tenants in the Edavagais but of the Chiefs as well. So far as the argument about the levy of *taravila* is concerned, Sir, it is not a novel thing. Under the Government the tenants are compelled to pay *taravila* at the rate of from Rs. 10 upwards to Rs. 150 and above per acre.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): May I know from the member on what kind of properties *taravila* is imposed by Government?

MR. S. J. NAIR (*Nedumangad*): By Government, *taravila* is levied on lands that are occupied and improved but not registered. And here in the Bill the maximum amount fixed per acre is Rs. 15 only.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it Rs. 15 per acre?

MR. S. J. NAIR (*Nedumangad*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Has the member read Clause 9 para 2?

MR. S. J. NAIR (*Nedumangad*): I shall refer to the Bill and read it.

DEPUTY PRESIDENT: I dont think, Mr. S. J. Nair, you should take the trouble of reading that. You need not take the trouble of reading it over again. If you have information, you may give it. Questions intended to find out whether a particular member has read a particular section or not does not arise. You may proceed with the argument.

MR. S. J. NAIR (*Nedumangad*): Under ordinary circumstances, only Rs. 15 is fixed as *taravila*. But under extraordinary circumstances, such as those mentioned in Section 9 of the Bill, I would remind the honourable member that a higher amount is fixed. That is reasonable and just. As for the *taravila* of Rs. 15 per acre, that too need be paid to the Chief only during the course of 10 years. But under the Government, we are compelled to pay, if it is below Rs. 250, in one amount and no instalment system is granted. Even in the case of *taravila*, I submit, Sir, the Select Committee have exercised a sense of responsibility and they have fixed it at the lowest amount.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): Does the honourable member think that an amount of Rs. 200 will be a fair rate of *taravila* if it is ordered to be paid in 500 instalments?

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DEPUTY PRESIDENT : That question need not be answered.

MR. S. J. NAIR (*Nedumangad*) : Sir, the Bill as drafted by the Select Committee shows that the members of the Select Committee have taken the responsibility of studying the condition of the tenant as well as of the Chief alike and that they have rendered justice to both parties.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I know from the member whether the Select Committee took evidence from either the tenants or the Chiefs?

MR. S. J. NAIR (*Nedumangad*) : Sir, in reply to my friend I would submit that the representatives of the Chiefs as well as of the tenants of the Edavagais under consideration were present in the Select Committee as members, and such being the case there was no necessity on the part of the members of the Select Committee to take any evidence on the point. Even when we take into consideration the question of evidence, Sir, we have been watching very carefully the public press and no sort of agitation has yet taken place on the part of the tenants in the Edavagais as to the question that the *taravila* or the *melvaram* fixed was too heavy or they ought to be avoided or abolished.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know from the member whether the Committee took the trouble of publishing the draft Bill in the Press?

MR. S. J. NAIR (*Nedumangad*) : The Committee has published it as they should do under the law and if the tenants under the Edavagais were very particular to know the contents of the Select Committee's report, it was available for them or their representative in the Select Committee would have made it available on behalf of the tenants under the Edavagai. So it is evident from the circumstances that so far as the tenant's interests in the Edavagai are concerned, they have been very carefully safeguarded and as the Bill now stands, there is absolutely no sort of grievance or any sort of objection to be raised against the content of the Bill on the part of the tenants in the Edavagais.

MR A. S. DAMODARAN ASAN (*Mavelikara*) : Has not the representative of the tenants written a dissenting minute?

DEPUTY PRESIDENT : I want an explanation on that question before I allow it. I have also been a member of the Select Committee; and so far as I know, there was no representative of the tenants as such on the Select Committee.

MR. K. R. ELENKATH (*Kalkulam I*) : I would like to know from the Chair whether a member was not nominated as a member of the Assembly in his capacity as the representative of the tenants.

DEPUTY PRESIDENT : I am not bound to answer the question, and I do not propose to answer.

MR. K. R. ELENKATH (*Kalkulam I*) : So far as I am able to understand, the particular member Mr. Govinda Menon was nominated as a representative of the tenants in the Edavagai.

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MR. S. J. NAIR (*Nedumangad*): Then I would submit that it is said that levying of *taravila* has nothing to do with selling lands for a price. I think that it is too hard to say like that. For it is true, Sir, under the Government also lands are being actually sold for a price at present. If there is absolutely no complaint about the procedure adopted by Government, then I do not know how we are justified in raising any complaint with regard to the levy of a modest maximum *taravila* of Rs. 15 per acre so far as the lands in the Edavagais are concerned.

The reasons advanced by the learned mover and seconder are not convincing. These gentlemen, Sir, just to make a show that they are interesting themselves on behalf of tenants tried to put forward unconvincing arguments. As far as the trend of their arguments goes I humbly submit, Sir, their contentions do not carry any meaning.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I rise to a point of order. The insinuations suggested by Mr. S. J. Nair on members of this House can no longer be tolerated. I hope the Chair will protect the rights of the members of this House and uphold its dignity. The member is making unwarranted implications. You, Sir, as the custodian of the rights of this House will see that such a state of affairs does not exist.

DEPUTY PRESIDENT: You can only cite points and not explain. I do not find anything in Mr. S. J. Nair's speech to show that he is imputing any motives or suggesting anything wrong to the Select Committee.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Not to the Select Committee.

DEPUTY PRESIDENT: I do not find any imputation and therefore I do not propose to answer the point of order.

MR. S. J. NAIR (*Nedumangad*): I am sorry my friend Mr. Kunjukrishna Pillai has misunderstood my arguments.

DEPUTY PRESIDENT: Kindly proceed with the arguments.

MR. S. J. NAIR (*Nedumangad*): Mr. Thanu Pillai in conclusion has appealed to the House that we must realise our responsibility and that we must take into consideration the fate of the tenants. I may remind my friend that you must take into consideration not only the fate of the tenants but the fate of the Chiefs in the Edavagais. There was a time when the Chief in an Edavagai was actually ruling the Edavagai. There was a time when the Chief was exercising the right of sovereignty in the land. Now due to historical accidents or circumstances, fortunately or unfortunately, the Chief is deprived of his sovereign rights. The fate of the Chief is such that he is only given a modest concession of levying the *taravila* of Rs. 15 per acre and that during the course of 10 years.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): May I know, are they enjoying sovereign rights?

DEPUTY PRESIDENT: He never said that they are now enjoying.

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MR. S. J. NAIR (*Nedumangad*): I am compelled to remind my friend that he must be more attentive.

DEPUTY PRESIDENT: No. Now I can't permit this. Now Mr. S. J. Nair will proceed with the argument if he has any.

MR. S. J. NAIR (*Nedumangad*): I submit, Sir, that the Bill as presented to us now must be proceeded with as no change need be made in it except to raise the dignity of the Chiefs in the other Edavagais. The amendment that I will suggest will be that the word "Edavagai" be added within brackets after the word Estate for the purpose of raising the dignity of the Chiefs in the other Edavagais. With these suggestions, I oppose the motion.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): സർ, ഈ സഭയുടെ അംഗീകരണത്തിനായി സിലക്ററുകമ്മിററി സമർപ്പിച്ചിട്ടുള്ള ഇടവക ബില്ലിനെ നിരാകരിച്ച് അതു മറെറാരു സിലക്ററുകമ്മിററിയുടെ പരിശോധനക്കായി വീണ്ടും അയക്കേണ്ടതാണെന്ന് മാന്യമെമ്പർ മിസ്റ്റർ കോട്ടൂർ കുഞ്ഞുകൃഷ്ണപിള്ള ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ ശക്തിയായി എതിർക്കുവാനാണ് ഞാൻ ആരംഭിക്കുന്നത്. മിസ്റ്റർ കുഞ്ഞുകൃഷ്ണപിള്ളയുടേയും ഈ ഭേദഗതിയെ അനുകൂലിച്ച മാന്യസ്നേഹിതൻ മിസ്റ്റർ എ. താണുപിള്ളയുടേയും അഭിപ്രായങ്ങളിൽ അടങ്ങിയിട്ടുള്ള ന്യായവാദങ്ങളിൽ പ്രാഥമ്യവും പ്രാധാന്യവും അർഹിക്കുന്നതു അദ്യബില്ലിലേയും സിലക്ററുകമ്മിററി ഭേദഗതിചെയ്തിട്ടുള്ള ബില്ലിലേയും തത്വങ്ങളും വിഭിന്നങ്ങളാണെന്നുള്ളതാകുന്നു.

ഇങ്ങിനെ ഈ രണ്ടു ബില്ലുകൾക്കും ഭിന്നതയുണ്ടെന്ന് കാണിക്കുവാൻ രണ്ടു കാരണങ്ങളാണ് ഇവിടെ പ്രതിവാദിച്ചിട്ടുള്ളത്. ആദ്യം അവതരിപ്പിച്ചിട്ടുള്ള ബില്ലിൽ കിളിമാന്നൂർ, ഇടപ്പള്ളി എന്നീ രണ്ടു ഇടവകകളെ ഉൾപ്പെടുത്തിയിട്ടില്ലെന്നും സിലക്ററുകമ്മിററി അവതരിപ്പിച്ച ബില്ലിൽ ഈ ഇടവകകളെ ഉൾപ്പെടുത്തിയിട്ടുണ്ടെന്നും ഉള്ളതാണ് ഒന്നാമത്തെ കാരണം. രണ്ടാമത്തെ കാരണം തറവിലചുമത്തി സ്ഥലം സ്ഥിരമായി പതിച്ചുകൊടുക്കണമെന്നുള്ള വ്യവസ്ഥയെപ്പററിയാകുന്നു. ഈ രണ്ടു സംഗതികളിലും പ്രാരംഭ ബില്ലിൽനിന്ന് സെലക്ററുകമ്മററിയുടെ ബില്ലിൽ എത്രത്തോളം വ്യത്യാസം വന്നിട്ടുണ്ടെന്നുള്ളതാണ് ഇവിടെ പരിശോധിക്കേണ്ടത്. ഇതിൽ ആദ്യമായി ചിന്തിക്കേണ്ട വിഷയം കിളിമാന്നൂർ, ഇടപ്പള്ളി ഈ ഇടവകകളെ ഇതിൽനിന്നും ഒഴിവാക്കിയിട്ടുണ്ടോ, ഉണ്ടെങ്കിൽ എത്രത്തോളം, എന്നുള്ളതാണ്. പ്രാരംഭബില്ലിലെ നാംവകുപ്പ് ഉ-ാം ചിരിവിൽതന്നെ പ്രഖ്യാപിച്ചിട്ടുള്ളത് "It extends to the Edavagais mentioned in the schedule" എന്നാണ്. ഈ ബില്ലിനോട് അനുബന്ധിച്ചിരുന്ന പട്ടികയിൽ വഞ്ചിപ്പുഴ ഇടവ

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[Mr. T. P. Velayudhan Pillai]

കയും പൂഞ്ഞാർ ഇടവകയും മാത്രമെ ഉൾപ്പെടുത്തിയിരുന്നുള്ളു. ഇപ്പോൾ സിലക്ററുകമ്മറി രൂപീകരിച്ചിട്ടുള്ള ബില്ലിലും ഈ ഇടവകകളെ സംബന്ധിച്ചാണ് സെറിൽമെന്റിനു വേണ്ട വ്യവസ്ഥകൾ ചെയ്തിട്ടുള്ളതു്. ഈ രണ്ടു, അതായതു പൂഞ്ഞാറും വഞ്ചിപ്പുഴയും ഇടവകളിൽമാത്രമേ സെറിൽമെന്റു നടത്തേണ്ടതായിട്ടും ഉള്ളു. സെറിൽമെന്റിനെക്കാൾ കൂടുതലായുള്ള വ്യവസ്ഥകൾ തനതു വസ്തുക്കളിൽ അന്യർ കയ്യേറ്റംചെയ്യുന്നതിനെ സംബന്ധിച്ചാണ്. അതിലേക്കുള്ള വ്യവസ്ഥകൾ ഇടപ്പള്ളി, കിളിമാന്തർ ഈ രണ്ടു ഇടവകകളെക്കൂടി ഒരേ നിലയിൽ ബാധിക്കത്തക്കവണ്ണം സിലക്ററുകമ്മറി ബില്ലിൽ ഫ വ്യ-ാംവകുപ്പ് കൂടുതലായിചേർത്തിട്ടുണ്ടു്. ഇതു പ്രാരംഭബില്ലിനു് വ്യത്യാസമായിട്ടുള്ളതല്ല.

രണ്ടാമത്തെ സംഗതി തറവിലചുമത്തി സ്ഥിരമായി പതിച്ചുകൊടുക്കണമെന്നുള്ള വ്യവസ്ഥയാണ്. ഇറക്കാരാണ്മ, അനുഭോഗം, തിരുവിളം മാറാപ്പാട്ടം മുതലായി സ്ഥിരഅവകാശവഴി അനുഭവിച്ചുവരുന്ന വസ്തുക്കളേയോ, ഒറിബാഭ്യുതയാൽ അനുഭവിച്ചുവരുന്ന വസ്തുക്കളേയോ സംബന്ധിച്ചു തറവില കൊടുക്കണമെന്നുസിലക്ററുകമ്മറിബില്ലിൽ നിർദ്ദേശിച്ചിട്ടില്ല. പിന്നെയോ അത്ഥബാഭ്യുതയില്ലാതെ കേവലം വെൺപാട്ടമായി അനുഭവിച്ചുവരുന്ന ചുരുങ്ങിയ വസ്തുക്കളെ സംബന്ധിച്ചു തറവില ചുമത്തണമെന്നാണ് വ്യവസ്ഥ ചെയ്തിട്ടുള്ളതു്.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know what the member means by "ചുരുങ്ങിയ വസ്തു"?

DEPUTY PRESIDENT: That question does not arise. It is a matter of opinion and the member need not answer him.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I put the question so that I can understand what he means by that expression.

DEPUTY PRESIDENT: Since I have given my ruling, no further question arises. A member is bound to answer only when the Chair allows the question to be put, so that, as soon as a question escapes another member's mouth, no member need be in haste to answer.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): ൻൻ-വർഷംവരെയുള്ള ദീർഘകാലത്തേക്കു ഇടവകവസ്തുക്കളെ കമ്പനിക്കാർക്കു കൊടുത്തിട്ടുള്ള ഏർപ്പാടുകളെ ഈ ബില്ലു് ബാധിക്കുന്നതല്ല. കൺടാക്ടിൽ അടങ്ങിയിട്ടുള്ള വ്യവസ്ഥക്കനുസരണമായിട്ടും അപ്രകാരമുള്ള പ്രമാണങ്ങളിൽ അടങ്ങിയിട്ടുള്ള വ്യക്തിപരമായ പരസ്പര കരാറുകൾക്കു അധീനമായും ഈ വക വസ്തുക്കളുടെ അനുഭവക്രമം സിലക്ററു് കമ്മിറ്റി ബില്ലിൽ സുസ്ഥാപിതമായിട്ടുണ്ടു്. സിലക്ററു കമ്മറി ഹാജരാക്കി

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യിട്ടുള്ള ബില്ലിലും ആദ്യത്തെ ബില്ലിലും അന്തർഭവിച്ചിട്ടുള്ള തത്വം സ്ഥിരാവകാശം നഷ്ടപ്പെടുന്നതാണെന്നുള്ളതാണ്. ആ തത്വത്തിന് വ്യത്യാസം വന്നിട്ടില്ല. നേരേമറിച്ച് പതിച്ചുകൊടുക്കുന്നതിനെപ്പറ്റി ആലോചിക്കേണ്ട നടപടികളുടെ ഒരു വിശദീകരണം മാത്രമേ സിലക്ട് കമ്മിറ്റി ബില്ലിൽ കൂട്ടത്തലായി ചേർത്തിട്ടുള്ളൂ.

ഇനിയും വെൺപാട്ടവസ്തുക്കൾക്കു തറവില ചുമത്താമെന്നുള്ള സിലക്ട് കമ്മറ്റി ബില്ലിലെ വ്യവസ്ഥയുടെ സാധുത്വത്തെപ്പറ്റി പ്രത്യാലോചിക്കാം. ഈ വ്യവസ്ഥ ശരിയല്ലെന്നു പറയുന്നതിനുള്ള ഒരു കാരണം സർക്കാർ വസ്തുക്കളെ സംബന്ധിച്ച് ഫാർം-ലെ തിരുവെഴുത്തുവിളംബരം തറവില ചുമത്താതെ സ്ഥിരാവകാശം നൽകിയിട്ടുണ്ടെന്നുള്ളതാണ്.

ഇടവക ബിൽ നിയമം ആക്കാൻപോകുന്നതു് ഇപ്പോഴാണല്ലോ ഇപ്പോൾ സർക്കാർ വസ്തുക്കൾ (പുരയിടം, പുറംപോക്ക്) പതിച്ചുകൊടുക്കുന്നതിനെ സംബന്ധിച്ചുള്ള നിയമമാണു് നാം അംഗീകരിക്കേണ്ടതു്. ഇപ്പോൾ സർക്കാർ വസ്തുക്കൾ പതിച്ചുകൊടുക്കുന്നതു് തറവില ചുമത്തിയുമാണ്. നിയമത്തിൽ റിട്രാസ്പെക്ടീവ് ഇഫക്ട് ഉണ്ടായിരിക്കരുതെന്നുള്ളതാണല്ലോ സാമാന്യ തത്വം. അതുകൊണ്ടു സർക്കാർവസ്തുക്കളേപ്പോലെ തന്നെ ഇടവക വസ്തുക്കൾ പതിച്ചുകൊടുക്കുന്ന വിഷയത്തിൽ തറവില ചുമത്തുന്നതു ന്യായമായിട്ടുള്ളതാണ്.

MR. A. THANU PILLAI (*Trivandrum-Rural*): പുരയിടം പതിച്ചുകൊടുക്കുന്നതിനു മാത്രമല്ലേ തറവില ചുമത്താറുള്ളൂ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): പുറംപോക്കിനും ഉണ്ട്.

MR. A. THANU PILLAI (*Trivandrum-Rural*): കുടിയാന്മാരുടെ കൈവശം ഇരിക്കുന്ന വസ്തുക്കൾക്കോ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): കുടിയാന്മാരുടെ കൈവശം ഇരിക്കുന്ന വസ്തുക്കളിൽ കൈവശക്കാർക്കു വാല്യുബിൾ ഇംപ്രൂവ്മെൻറും ബോണഫൈഡ് ആക്യുപ്പേഷനും ഉണ്ടെങ്കിൽ തറവില ചുമത്തി പതിച്ചുകൊടുക്കുന്ന ഏർപ്പാടു് അടുത്തകാലംവരെ നടപ്പിൽ ഇരുന്നിട്ടുണ്ട്. സെലക്ട് കമ്മിറ്റി ബില്ലിൽ ക്ലാസ്സ് 8-(a) (b) ൽ തറവില പത്തു വർഷത്തിൽ കൂടുതൽ കാലംകൊണ്ടു് പ്രതിവർഷവീതപ്രകാരം അടച്ചുതീർത്താൽ മതിയെന്ന വ്യവസ്ഥയുണ്ട്. അതുകൊണ്ട് തറവിലയെ സംബന്ധിച്ചുള്ള വ്യവസ്ഥ സ്വീകാര്യമല്ല എന്നു പറയുന്നതു് ശരിയല്ല.

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[Mr. T. P. Velayudhan Pillai.]

കിളിമാന്തുരും ഇടപ്പള്ളിയും ഇടവക വസ്തുക്കളും താവഴിക്രമത്തെ അക്കാലത്തു് പതിച്ചുനടത്തി എന്നുള്ളതാണു് മറെറാരു കാരണം. അതു് ഫാനുവ-ലെ നിയമവ്യവസ്ഥയനുസരിച്ചാണു്. എന്നാൽ ഈ ഇടവകകളുടേയും വഞ്ഞിപ്പുഴ, ഇടപ്പള്ളി ഈ ഇടവകകളുടേയും സ്വഭാവം ചരിത്രസംബന്ധമായിനോക്കുന്നപക്ഷംവ്യത്യാസമുള്ളതാണു്. പൂഞ്ഞാർ, വഞ്ഞിപ്പുഴ ഈ ഇടവകകളിലെ വസ്തുക്കളിന്മേൽ ചീഫ്സിനു സർവ്വസ്വാതന്ത്ര്യമായ അവകാശം ഉണ്ടു്. അതിനാൽ അവരുടെ ഭൂമി അന്യർക്കു കൈമാറംചെയ്തുകൊടുക്കുമ്പോൾ അതിലേക്കു ന്യായമായ വില വാങ്ങരുതെന്നു് പറയുവാൻ ആർക്കും അവകാശമില്ല. കിളിമാന്തുർ ഇടപ്പള്ളി ഈ ഇടവകകളിലെ വസ്തുക്കളുടെ സ്വഭാവം ഇതല്ല.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : ഇപ്രകാരമുള്ള സ്റ്റേറുമെൻറിനു അടിസ്ഥാനമായ തെളിവെന്താണു്?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : ഹൈക്കോടതിജഡ്ജി ആയിരുന്ന മി. ചെറിയാൻ പൂഞ്ഞാറും സർക്കാരുമായുണ്ടായിരുന്ന അത്തിവാദക്കേസിൽ എഴുതിയിട്ടുള്ള ജഡ്ജിമെൻറും ലാൻറുറവന്യൂമാന്വലും ഇതു് തെളിയിക്കുന്നതാണു്. പൂഞ്ഞാർ രാജാക്കന്മാർ പാണ്ടിയിൽനിന്നും വന്നവരാണു് എന്നും അവർ തെക്കുംകൂർ രാജാവിനോടു വിലകൊടുത്തു വസ്തുക്കൾ വാങ്ങിയതാണു എന്നും അതിന്മേൽ തിരുവിതാംകൂർ രാജാക്കന്മാർക്കു യാതൊരവകാശവും ഇല്ലെന്നും ആ ജഡ്ജിമെൻറിൽഉണ്ടു്. കിളിമാന്തുർ, ഇടപ്പള്ളി ഈ ഇടവകകളിലെ ചീഫിനു ഈ വക വസ്തുക്കളിൽനിന്നു ലഭിക്കുന്ന റവന്യൂ സ്വീകരിക്കാനുള്ള അവകാശം അല്ലാതെ മറെറാരവകാശവും ഇല്ല. അതിനാൽ ഗവണ്മെൻറിൽനിന്നും അംഗീകരിച്ചിട്ടുള്ള തത്വങ്ങൾ സ്വീകരിക്കുന്നതിനു നിർബന്ധിതരായവർ കിളിമാന്തുർ, ഇടപ്പള്ളി ഈ ഇടവകക്കാർ മാത്രമാണു്. തിരുവിതാംകൂർ രാജാവിനെപ്പോലെയുള്ള എല്ലാ അവകാശങ്ങളും കിളിമാന്തുർചീഫിനു ഇടവകവസ്തുക്കളെ സംബന്ധിച്ചില്ലായിരുന്നു.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : അങ്ങനെയുള്ള അവകാശം ഇടപ്പള്ളിരാജാവിനു ഇല്ലായിരുന്നോ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : അതിനെപ്പററിക്കൂടുതൽ പറയണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല

അതിനാൽ ഫാനുവ-ലെ നാലാംറഫ്രേഷനിലെ തത്വം മററിടവകകളെ സംബന്ധിച്ചും സ്വീകരിക്കണമെന്നു പറയുന്നതു ഒട്ടും ശരിയല്ല. സർക്കാർവസ്തുക്കളുടെ പതിവിനെക്കാൾ കൂടിയാനവനു കൂടുതൽ സഹായമായ നിലയിലാണു് സിലക്ട് കമ്മിററി ബില്ലിൽ ഇടവകവസ്തുക്ക

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ളുടെ പതിവിനെസംബന്ധിച്ച് വ്യവസ്ഥചെയ്തിട്ടുള്ളതു് എന്നു് ഭ-ാംവകുപ്പു് ഫ-ാം ഉപവകുപ്പു് ര-ാംഖണ്ഡികയിൽനിന്നും കാണാവുന്നതാണു്. അതായതു് ഏക്കർ ഒന്നിനു ഛ ഭ രൂപാ അടയ്ക്കേണ്ടിവരുന്ന കുടിയാനവൻ അതു് ഛ ഠ വർഷത്തിൽ കൂടുതൽ കാലാവട്ടത്തിൽ പ്രതിവർഷം സമവീതപ്രകാരം അടച്ചുതീർത്താൽ മതിയെന്നുള്ള വ്യവസ്ഥ കുടിയാനവനു എത്രയോ ആശ്വാസപ്രദമായിരിക്കുന്നു എന്നു് ആലോചിക്കേണ്ടതാണു്.

ഞാൻ പ്രസ്താവിച്ച എല്ലാക്കാരണങ്ങളാലും തത്പത്തിൽ പ്രാരംഭബില്ലും സെലക്ററുകമ്മിറ്റിബില്ലും തമ്മിൽ സാരമായ വ്യത്യാസം ഉണ്ടായിട്ടില്ലെന്നും ഇപ്പോഴത്തെ സെലക്ററുകമ്മിറ്റിബിൽ വീണ്ടും ഒരു സെലക്ററുകമ്മറ്റിയുടെ പര്യാലോചനക്കു് അയക്കേണ്ട ആവശ്യമില്ലെന്നുസ്പഷ്ടമാകുന്നുണ്ടു്. അതിനാൽ മി. കോട്ടൂർ കുഞ്ഞുകൃഷ്ണപിള്ളയുടെ ഭേദഗതിയെ ഞാൻ ബലമായി എതിർക്കുന്നു.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): Sir, I rise to oppose this amendment. With reference to the imposition of *taravila*, it was stated here that the Sirkar, when they granted permanent registry of *venpattam* lands in 1040 M. E., did not realise any *taravila*. It was also stated that, under the Estates Rent Recovery Regulation, IV of 1068, the Kilimanur and the Edappalli Chiefs were not permitted to realise any *taravila*. The reason for this was that no question of *taravila* was in contemplation by the Government or by any other authority in those days. The idea of *taravila* first manifested itself in an order of Government issued as No. 3869, dated the 2nd Medom 1069. It is a Malayalam Order, and I shall quote the relevant passage from that order which was issued in the days of Dewan Sankarasubba Aiyar.

"സർക്കാർവക പുതുവൽ ഭൂമികളും കുടികളുടെ പേരിൽ പാട്ടഇനമായി പതിവുകൊടുക്കുന്നതിൽ വച്ചു് അവക്കു് ആവക ഭൂമിയിന്മേൽ ക്രയവിക്രയം ചെയ്യുത്തക്ക പൂർണ്ണാവകാശം സിദ്ധിച്ചുവരുന്ന സ്ഥിതിക്കു് അതിലേക്കു പ്രതിഫലമായി സല്പമെങ്കിലും ഒരു അർത്ഥസംഖ്യ സർക്കാരിൽ തീർപ്പിച്ചു പതിക്കുന്നതു് യുക്തമെന്നുകണ്ടു് മേലാൽ പുതുവൽ പാട്ടമായി പതിക്കപ്പെടുന്ന എല്ലാ ഭൂമികൾക്കും ഏക്കർ ഒന്നിനു ഒരു രൂപാവീതം വില ഒടുക്കിച്ചു് പതിപ്പാൻ കല്പന പ്രകാരം വ്യവസ്ഥചെയ്തിരിക്കുന്നു."

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): On a point of order, Sir, the member is quoting from a document which has not been placed before the House.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): It is a public document.

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DEPUTY PRESIDENT: When a point of order is raised, it is the Chair that has to give the ruling, and I propose to give my ruling. Mr. Paramesvara Aiyar, you will please therefore sit down.

Mr. Paramesvara Aiyar was quite in order when he quoted such authority as was acceptable to him. Whether others will accept that authority is a different matter. Mr. Paramesvara Aiyar may therefore proceed with the quotation, provided it is not very long.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I am afraid my point of order has not been correctly understood by the Chair.

DEPUTY PRESIDENT: There is my ruling, and Mr. Kunjukrishna Pillai will resume his seat.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): My point is—

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Order, order.

DEPUTY PRESIDENT: I wanted to say that.

There is no use raising a point of order unless it is a substantial one. I understood Mr. Kunjukrishna Pillai to mean that Mr. Paramesvara Aiyar, or any other member, may, during debate, refer only to such documents as have been placed before the House. Therefore, the observation attempted to be made by Mr. Kunjukrishna Pillai after I gave my ruling is entirely out of order.

Mr. Paramesvara Aiyar may now proceed with his quotation.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): "എന്നാൽ ഇപ്പോഴത്തെ നടപ്പനുസരിച്ചു ലേലത്തിൽ വിളിച്ചോ വിലയർത്ഥം തീർപ്പിച്ചോ പതിച്ചുകൊടുക്കപ്പെടുന്ന ഭൂമികൾക്ക് ഈ ഏർപ്പാട് സംബന്ധിക്കുന്നതല്ലാ".

This Order finds a place in Volume V of the Land Revenue Manual. It was only after the date of this order that Government began to impose *taravila*. And nothing prevents the Chiefs of Edappalli and Kilimanur from realising *taravila* at present on the lands at their disposal; and I believe they *are* doing it. Anyhow the question whether the imposition of *taravila* is proper or not does not arise under a motion for recommitting the Bill to a fresh Committee.

With regard to the question whether the Bill should be recommitted, I beg to submit that the Select Committee has sat over this Bill for 17 days and has given the matter due deliberation. After all, what is it that is to be gained by a recommittal? The same Law Member is going to be in charge of the Bill: and the same legal talent that was already available will have to be made available again.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will not the discussion in this House enable the new Select Committee to revise their opinions?

DEPUTY PRESIDENT: Mr. Paramesvara Aiyar is expressing his opinion; that is all.

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MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know whether Mr. Paramesvara Aiyar makes any distinction between registry of *puduval* lands and grant of permanent occupancy rights in respect of holdings in the enjoyment of tenants?

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): Sir, there are provisions in this Bill enabling the parties to get registry without payment of *taravila* in all cases where there is an irredeemable tenure or a usufructuary mortgage. In other cases, it has to be presumed that the lands belong to the Chiefs and that the tenants have only *venpattam* rights. It is in respect of these lands that *taravila* is proposed to be realised.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know from the member whether, even before the date of the G. O. of 1069, which he quoted, Government were not in the habit of granting holdings on *otti*, taking consideration from the holders?

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): Yes.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Does it not show that the idea of getting consideration for lands was not foreign to the Government of Travancore even before that G. O. of 1069?

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): The case of lands under usufructuary mortgages being registered free from *taravila* under this Bill corresponds to the *otti* referred to by my friend. I do not think getting consideration for *otti* is like getting *taravila* for land. What I said was that *taravila* was unknown before 1069.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Does the member know that, in respect of service *inam* lands, Government, when they enfranchised them, took value for such lands?

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): Yes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Was it before 1069?

DEPUTY PRESIDENT: You cannot ask that question. Mr. Parameswara Aiyar has already sat down.

MR. N. E. VARUGHESE (*Tiruvalla I*): സർ, ഈ സഭയുടെ പരിഗണനക്കു വിഷയമായിരിക്കുന്ന സംഗതി സിലക്ററു കമ്മറി രാജിയാക്കിയിട്ടുള്ള ഇടവക ബിൽ വീണ്ടും ഒരു സിലക്ററു കമ്മറിയുടെ പരിഗണനക്കയക്കണമെന്നുള്ളതാണ്. ഈ ബിൽ ആദ്യം ഈ സഭയിൽ അവതരിപ്പിക്കുന്നതിന് അനുവാദം കൊടുത്തതുതന്നെ അതിലടങ്ങിയിരിക്കുന്ന പ്രധാനപ്പെട്ട തത്വങ്ങളെ സ്വീകരിച്ചതിനു ശേഷമാണ്. ഇതിൽ പ്രധാനതത്വം കുടിയാനവന്മാക്കു വസ്തുവിന്മേൽ സ്ഥിരാവകാശം നൽകുക, ഇടവക അധികാരികൾക്കു തോന്നിയ വിധത്തിൽ കുടിയാന്മാരെ ഉപദ്രവിക്കാതെ സംരക്ഷിക്ക എന്നിവയാകുന്നു. ഈ സംഗതിയിലും സ്വരമായ മറു ചില ഭാഗങ്ങളിലും വ്യത്യാസം വരുത്തിയതു കൊണ്ടു് ഇവിടെ അവതരിപ്പിച്ചിരിക്കുന്ന ബിൽ വേറെ ഒരു ബില്ലാണ്.

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[Mr. N. E. Varughese.]

എന്നു വിചാരിക്കേണ്ടിയിരിക്കുന്നു. ഇങ്ങനെ വ്യത്യാസം വരുത്തിയതിനെപ്പറ്റി എനിക്കു മുൻപു പ്രസംഗിച്ച പല മാന്യന്മാരും വിശദമായി പ്രതിപാദിച്ചു കഴിഞ്ഞു. ആ സംഗതിയെ വീണ്ടും ആവർത്തിച്ചു പറയുന്നതു ചട്ടവിരുദ്ധമാകയാലും അങ്ങനെ ചെയ്യാൻ പാടില്ലെന്നു അധികാരസ്ഥാനത്തുനിന്നും ആജ്ഞാപിച്ചിട്ടുള്ളതുകൊണ്ടും അതിൽ ഞാൻ പ്രവേശിക്കുന്നില്ല. ചട്ടത്താൽ ആവശ്യപ്പെട്ട ഏറ്റവും പ്രധാനപ്പെട്ട ഒരു സംഗതി സിലക്ററുകമ്മറ്റി വിട്ടുകളഞ്ഞിരിക്കുന്നു എന്നാണു് എനിക്കു പറയാനുള്ളതു്. സ്റ്റാൻറിംഗ് ആർഡർ നിയമം അനുസരിച്ചു് സിലക്ററു കമ്മറ്റി റിപ്പോർട്ടു ഗസറ്റിൽ പരസ്യപ്പെടുത്തണമെന്നും ബിൽ എന്നു പ്രസിദ്ധപ്പെടുത്തി എന്നു റിപ്പോർട്ടിൽ വിവരിക്കണമെന്നും പറഞ്ഞിട്ടുണ്ടു്. അതു് അശേഷം അവഗണിച്ചിരിക്കുന്നു. അതുകൊണ്ടു് ഈ ബിൽ ഇവിടെ ആലോചനാവിഷയമാക്കാൻ പാടില്ലെന്നാണു് ഞാൻ അഭിപ്രായപ്പെടുന്നതു്.

MR. S. J. NAIR (*Nedumangad*): മെമ്പർ ഉദ്ദേശിക്കുന്ന വ്യാഖ്യാനം അല്ല ആ വകുപ്പിനുള്ളതെന്നു മെമ്പർ മനസ്സിലാക്കിയിട്ടുണ്ടോ?

DEPUTY PRESIDENT: I do not think Mr. S. J. Nair is right in putting that question. So no answer need be given.

MR. N. E. VARUGHESE (*Tiruvalla I*): ഇതിനും പുറമെ സിലക്ററു കമ്മറ്റിയിൽ കടിയാന്മാരുടെ പ്രതിനിധി എന്ന നിലയിൽ ആരും ഹാജരായിരുന്നതായി റിപ്പോർട്ടിൽ കാണുന്നില്ല.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): കടിയാന്മാരുടെ വക്കീലായി ഒരാൾ ഹാജരായിരുന്നു എന്നു പറഞ്ഞിട്ടുള്ള ഭാഗം മെമ്പർ വായിച്ചില്ലേ?

MR. N. E. VARUGHESE (*Tiruvalla I*): വായിച്ചു.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): പിന്നെ എന്താണ് കടിയാന്മാരുടെ പ്രതിനിധിയായി ആരും ഉണ്ടായിരുന്നില്ലെന്നു മെമ്പർ പറഞ്ഞതു?

DEPUTY PRESIDENT: Mr. Puthupalli Krishna Pillai's second question is disallowed.

MR. N. E. VARUGHESE (*Tiruvalla I*): കടിയാന്മാരുടെ സാക്ഷാലുള്ള പ്രതിനിധ്യം സിലക്ററു കമ്മറ്റിയിൽ ഉണ്ടായിരുന്നതായി റിപ്പോർട്ടിൽ കാണുന്നില്ല.

DEPUTY PRESIDENT: You must please listen to what falls from the Chair. That question has not been allowed and so Mr. Varughese need not answer that question.

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MR. N. E. VARUGHESE (*Tiruvalla I*): അതിനാൽ കുടിയാന്മാരുടെ പ്രതിനിധി എന്ന നിലയിൽ ആരും ഇല്ലാതിരുന്നതുകൊണ്ട് ഈ ബിൽ സ്വീകാര്യയോഗ്യമല്ല.

എല്ലാ ഇടവകകളെയും ബാധിക്കുന്ന ഒരു ബില്ലാണ് ആദ്യമായി അവതരിപ്പിച്ചത്. ഇപ്പോഴത്തെ ബിൽ കണ്ടെഴുത്തു സംബന്ധിച്ച് കിളിമാന്തർ, ഇടപ്പള്ളി, ഈ രണ്ടിടവകകളെ ഒഴിച്ചിരിക്കുന്നു. കണ്ടെഴുത്തു കഴിഞ്ഞു് ന. ഠ കൊല്ലം കഴിഞ്ഞാൽ വീണ്ടും കാണ്ടെഴുത്തു നടത്തണമെന്നുണ്ട്. അതിനെ ഉദ്ദേശിച്ചു നോക്കുമ്പോഴും എല്ലാ ഇടവകകളെയും സംബന്ധിക്കുന്ന ഒരു ബില്ലുണ്ടായിരിക്കയാണ് നല്ലതു്. അതിനാൽ ഈ ബിൽ വീണ്ടും സിലക്ട് കമ്മിറ്റിക്കയക്കണം എന്നുള്ളവാദം എതുയും ശരിയായിട്ടുള്ളതാകുന്നു.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): I have to offer a few remarks in support of the amendment of Mr. Kunjukrishna Pillai. First, I have to say a word with regard to the question of *taravila*. The question of *taravila* has not been contemplated by the Bill as it was originally framed and first presented before the House. Because the Select Committee introduced the question of *taravila* and considered the point, several consequential changes had to be made in the Bill. The public and the tenants of the Edavagais concerned had not sufficient notice of these numerous and detailed changes, as was admitted in the report itself.

DEPUTY PRESIDENT: I wish the member does not dilate on this point, because it has been pressed upon the attention of the House already and repetition of argument is not ordinarily allowed. These arguments need not be elaborated.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): My submission is that the tenants and the public should be sufficiently and properly consulted on the various, numerous and detailed changes that were introduced in the Bill by the Select Committee, before the Bill is allowed to pass into regulation.

I have to say a word with regard to the question of *melvaram*. When this point was under the consideration of the Select Committee, the Select Committee was given to understand that in Vanjipuzha there was no *melvaram*. The representative of the Chief of Poonjar said that there are no *kanom* properties in Poonjar.

DEPUTY PRESIDENT: I think the member is not in order.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): It was also given to understand that there are no *kanom* properties in Poonjar; but it was stated that there are some documents in which there are stipulations for the payment of *melvaram*. There is also the question of *taravila*. Some of the tenants of Poonjar and Vanjipuzha say that they have given some amount when they took the lands from the Chiefs by way of *moopartham*. Such being the state of affairs, I submit that evidence ought to have been taken on these points. So I appeal to this House that the Bill, taking into consideration these

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[Mr. S. Nilakanta Pillai.]

points, should be recommitted ; and I appeal to you, Sir, that in fairness and justice the Bill should be recommitted. With these few words, I support the amendment brought forward by Mr. Kunjukrishna Pillai.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Sir, I also rise to support the amendment moved by Mr. Kunjukrishna Pillai. I think that the Select Committee has exceeded its jurisdiction in submitting a report on principles entirely different from those contained in the original Bill. If we read the draft Bill, we find that even in the preamble the object is stated to be for defining the relation between the proprietors and the tenants therein and for the recovery of the rents. But we find that in the new Bill there is no reference to the tenants and the only consideration is the administration of Edavagais.

The main purpose of the legislation was stated to be to give permanency of tenure. In the Statement of Objects and Reasons, this purpose is clearly stated and a number of other reasons are given for introducing this Bill into this Assembly. But we find on a perusal of the report that, instead of giving permanency of tenure to the tenants, the Government is giving a summary right of eviction to the Chief. It is fundamentally opposed to the original conception of the Bill. We find that no absolute right of getting the lands registered is given to the tenants. There is no section in the whole of the Bill which entitles the tenants to demand registry of lands. Even with regard to the lands which are allowed to be registered on certain conditions, we find that all lands are not included. My friend Mr. Velayudhan Pillai has been saying that only lands which are given for very long terms like 99 years are excluded from the operation of this Bill. He was saying that, if one intelligently reads the Bill, one would find that. Of course, intelligence is not the monopoly of one.

DEPUTY PRESIDENT : You propose to use your own intelligence and point out that you come to a different conclusion.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : I do not want to say that others have unintelligently read it. We find that this Bill enables those who have irredeemable rights to enjoy those rights and enables persons who are enjoying properties on usufructuary mortgage to enjoy them without getting any reduction on account of interest for the amount they have paid. With regard to those who hold *venpattam* tenure, the answer is very perplexing. I am not able to quite appreciate it. It is stated in Clause 5 sub-clause (4) that tenants who hold it for not less than 12 years are entitled to get it registered on payment of *taravila*. What about those who hold it for less than 12 years ? Nothing is stated. I do not find any provision in the Bill which says that those who hold it for less than 12 years are entitled to get it registered. So we find that, even with regard to getting permanent occupancy rights, the provisions are defective. In Clause 8 of the original draft, it was stated that, on all lands settled under the present Regulation, permanent occupancy rights will be created, while, in the present report Clause 7 says that the tenants holding lands other than *thanathu* lands will have permanent occupancy rights. So what I am just bringing to the notice of this Assembly is that this Bill does not give permanent occupancy rights to the tenants for whose benefit it was contemplated to be brought into law by Government.

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Another point to which I wish to draw the attention of this House is with regard to the *taravila*. Much has been said about that. I wish to bring only one point to the notice of the House. It was stated that the maximum is Rs. 15. Any one who reads sub-clause (iv) of Clause 5 will find that a *taravila* not exceeding Rs. 15 per acre of dry land and not exceeding Rs. 50 per acre of wet land is fixed for the settlement. Even in the ordinary case Rs. 50 is the maximum and with regard to unauthorised occupation it is Rs. 100.

MR. S. J. NAIR (*Nedumangad*): May I know from the member the amount that is levied as *taravila* for dry land as well as for wet land by the Government?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I do not know whether the question is relevant.

DEPUTY PRESIDENT: Mr. Asan, may proceed.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What I was stating was that Rs. 50 is the maximum for ordinary registered land. With regard to the value of improvements in these lands, the person who makes the improvement has to get the benefit. But this Edavagai Bill as well as the report of the Select Committee wants to deprive the few tenants who are occupying the lands of the Edavagai Chiefs of the rights that are now enjoyed by them as well as all the other people of this State. They have now imposed a penal condition. If they do not get the lands registered within two months, they will be evicted. Sir, two months' time is given to a person to find sufficient money to get the registry of the land. If he fails to find that money, he will be deprived of the lands he was living in with all improvements he has made and probably these would include all his assets. Is it not a barbarous condition?

MR. S. J. NAIR (*Nedumangad*): May I know whether the member is aware that, under the existing *Puduval* rules, no one is given the benefit of improvements?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): *Puduval* rules are different from judicial rules.

DEPUTY PRESIDENT: If the member is able to give an answer to the question, he may do so.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I am able to give, but I do not give.

DEPUTY PRESIDENT: If the member is able to give the answer, he should give it.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Then let me hear the question once more.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether he is aware that, under the existing rules, none has the particular benefit of his improvements in the lands?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I must say that the *puduval* lands are not registered in the name of the persons who have improved the lands, if public interests demand that they should be left unregistered.

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MR. S. J. NAIR (*Nedumangad*): May I inform the Chair that the member is still wrong in his conception?

DEPUTY PRESIDENT: I must once again point out the necessity of members' conforming to the rules of debate. I have made it very clear that a question need be answered only when the Chair permits him, so that any haste to answer the question is objectionable.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): How are we to know whether the Chair has given its assent or not?

DEPUTY PRESIDENT: I do not want to take up the time of the House. Please proceed with the argument, Mr. Asan.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): So the deprivation of the right to the value of improvements on the lands is highly inequitable and unjust and the Select Committee has introduced that provision which is not contained in the original Bill. In the Objects and Reasons and in the speech made by the Law Member, it was stated that there was some necessity to have uniformity in the law relating to Edavagais. Now we find that Edavagais are divided into three classes. One class is composed of the Edappalli Chief and Kilimanur Chief who have already obtained some legislation and who do not like to be classed among others. The Select Committee does not want to include them though the framers of the original Bill and this Assembly were including them. There is another set of Edavagais which are not to be included in this and they must agitate for another legislation. The reasons urged are that they are not sure of the condition of such Edavagais.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I know whether there are not other unsettled Edavagais which have not been included?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Yes, there are, like the Ezhumattoor Chief and others. I do not understand what is meant by unsettled. It is very vague.

DEPUTY PRESIDENT: The member may take the meaning of the word in its ordinary sense. He said that it is very vague.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): The expression is very vague.

DEPUTY PRESIDENT: It is an observation. If he is able to give an answer to the question, he may do so.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): No, I am not.

DEPUTY PRESIDENT: Then it is all right.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): An attempt was made to bring uniformity in the laws relating to these Edavagais. It was stated in the Statement of Objects and Reasons that it is considered reasonable to have a single piece of legislation applicable to all the Edavagais as in the Revenue Recovery Regulation. Instead of two classes of Edavagais the present Bill brings in three classes of Edavagais. That is how the uniformity has been achieved. So my view of the whole matter is that the Select Committee in preparing the draft Bill

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has not conformed to the strict provisions of the Bill and has exceeded its jurisdiction in submitting a report quite contrary to the principles accepted by the Assembly. With these words, I support the amendment of Mr. K. Kunjukrishna Pillai.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, the question for consideration is whether the Bill should be recommitted. In deciding that question, there are only a few matters that should be kept in view. Several arguments were advanced here either in support of or against the recommittal of the Bill. It would appear that the opinion current is that, when once a Select Commitee submits its report and the House is in possession of it, ample justice will be done if the members are enabled to discuss, provision by provision, the several clauses contained in the Bill. To me it would appear that there is an object to be achieved in asking an expert body, which now-a-days is called Select Committee, to consider and discuss a Bill. An opportunity is given to the members of this House at the time of the introduction of a Bill to express an opinion on what the members of the Select Committee are asked to decide. There were certain provisions contained in the original Bill and it should be in the light of the observations we made that the Bill should be discussed and reintroduced into the House. If, as a matter of fact, that Bill contained provisions which were unacceptable on principle, the members of this House would have stood up in a body and said 'we oppose this Bill'. In the original Bill some promises were held out and some assertions were made and it should be in the light of those and the criticisms offered thereon that the Bill ought to be reintroduced. If it contained some unnecessary statements or unacceptable principles, then this House would have immediately thrown it out and would not have allowed this Bill to be put in the hands of the Select Committee. What was the statement made at the first time when the Bill was first introduced? It was for permanently settling these Edavagais. At that time the statement was made and was understood by this House that all the tenants who are classed as holders of Edavagai lands as defined in the Bill would be given the right to have the land permanently settled in their name free of any charges. It was never understood that they will have to pay even a single pie by way of compensation. If at that time these conditions were attached to the rights promised and if the Law Member said then that these were the prime considerations, we would, then, have said that it is a useless Bill and it should not be referred to a Select Committee. That was not done.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether there is any clause for the permanent settlement?

DEPUTY PRESIDENT: That question does not arise.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): At the time when this Bill was last put into our hands, what we said was that more concessions should be shown to the tenants and that the Bill should

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[Mr. Puthupalli S. Krishna Pillai.]

be so worded as to confer more powers on them. Sir, if you read the back volumes of the reports containing this discussion, you will find that the main objection to the Bill as it stood, was that the Bill was not sufficient enough to protect all the rights and privileges which the tenants claimed.

DEPUTY PRESIDENT : I may observe that the member will not be justified in elaborately arguing out this point, because although several members made speeches on the occasion the Bill was introduced in this Assembly, there was no unanimity among them. Various people take various views. Therefore to say that the House committed itself to any particular principle will not be correct.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): The discussion that was made at that time and the promise made by the Law Member centred round this point that we want more liberties and rights to be conferred upon the tenants ; and if I remember right, the Law Member then promised that it would be a matter that would be considered by the Select Committee. We find that the Select Committee by its report has gone beyond the pledges and promises made by the Law Member at that time.

They have not given the tenant the rights and privileges he demanded at that time. The tenant is even deprived of the right that was promised to be conferred under the original Bill. It would therefore appear that, instead of a Select Committee report based on the old Bill, we have a Select Committee report with a new Bill drafted. When a new Bill is introduced in this House, unless there are exceptional reasons, such as we had yesterday, the Bill ought to be referred in its ordinary course to a Select Committee for its consideration. This is not the time when we should think, discuss and study and take evidence and then come to some conclusion. Here upon facts and materials we have collected, upon information we have gathered, we have to put forward amendments, and they are to be discussed and accepted or rejected. If a Bill is drafted on a new scheme altogether, a scheme which is entirely new to the House, it would be very difficult to offer amendments, discuss them and then accept or reject them. Therefore, if the House is satisfied that the Bill as re-drafted by the Select Committee has made far-reaching changes or material changes from the original Bill, for practical and legal purposes, it must be considered to be a new Bill and accepted as such. If it is a new Bill, I would strongly advocate that instead of rushing through the Bill, it should be referred to another Select Committee in order that it might, if necessary, take evidence and submit its final report for the consideration of the House. That is a position which I suppose every individual in the State is entitled to demand as a matter of right.

There appears to be some notion current that we members of this House unnecessarily take the time of the House to discuss matters.

DEPUTY PRESIDENT: That does not arise.

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): What I want to impress on the House is that time shall not be the consideration which ought to weigh with this House.

DEPUTY PRESIDENT: I prohibit that kind of pronouncement from a member. A member is entitled to develop his points in argument, not this kind of thing.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it open to the member to cast an insinuation on what the President has said?

DEPUTY PRESIDENT: It is for that reason I said that I prohibit this kind of developing the argument.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Now then, what we have to consider primarily is this. What exactly is the nature of the legislation that is intended to be enacted here? If it were a Bill which is adopted and accepted as a legislative enactment elsewhere, I can understand that it is a very easy matter. There will be no difficulty. There is the guarantee that it had been discussed, considered, and given its final shape. In regard to such Bills, I would certainly not ask for a recommittal to a Select Committee. But when the Bill itself is an original Bill and when it wants to deal with controversial matters and if such controversial matters are brought up for the first time, it is absolutely necessary, in the administration of impartial justice between man and man, that the best consideration ought to be bestowed upon that Bill. This will be better served by a recommittal in the case before us. Therefore expenses, dilatoriness, etc., ought not to weigh with this House in deciding whether the Bill ought to be recommitted. This is a point which has to be seriously considered.

Another aspect of the matter also has to be presented. This is a measure which affects only persons inhabiting a small portion of Travancore. It is a matter which does not affect the entire population of Travancore. We who represent the entire population of Travancore should therefore feel that responsibility—

DEPUTY PRESIDENT: I consider developing that point unnecessary.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): It should not hereafter be said that, because this is a Bill which affects only minority interests in the State, this House did not bestow that attention which it deserves.

I shall now briefly refer to some of the Sections. The distinction that has been drawn between the several Edavagais is a distinction without a difference. It may be that one Edavagai is the result of a grant and another of conquest. In the eye of law, there is no difference between them. I may refer to the report submitted by Mr. Kunjuraman Nair wherein he has said about the rights of these Edavagais.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): May I know what that book is?

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : That is the report presented by Mr. Kunjuraman Nair in connection with the Jenmi and Kudiyan Regulation. It is said that, in regard to the proprietory rights of these several Edavagais, there is, in the eye of law, absolutely no distinction or difference. It is only in one portion of his report that these Edavagais are referred to by the name of Edavagai. In all other places, they are referred to as Estates or *Desoms*. The Poonjar Chief or the Kilimanur Chief is never referred to as an Edavagai, but simply referred as a *Desadhipathi*. The distinction, that is now introduced in the Bill, is a distinction which was not kept in view at the time when the Bill was drafted. Edappalli and Kilimanur are referred to as Estates and the other two as Edavagais. A difference in nomenclature about two identical matters would in after time lead to doubt and misinterpretation. We found some difficulty when we were at the Jenmi and Kudiyan Regulation. Some people were offended at the retention of the word *Kudiyan*. Some seemed to think there was something wrong and obnoxious in that term. When that Bill was under discussion, some of us in our speeches sought to make it clear. Some Edavagais are called Edavagais and others are known as Estates. Is any distinction sought to be perpetuated ? This is a matter which certainly did not engage the attention of the Select Committee. Suppose it is hereafter said that there is something objectionable in the expression Edavagai as opposed to Estate. No one wants a name which is liable to be misinterpreted. Was this a matter that was considered by the Select Committee ?

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*) : May I know what it is ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : What exactly it is I do not know. But when I say that which I know, I may be criticised by the member asking that question and I hesitate.

DEPUTY PRESIDENT : If you are able to give, please give that information.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : I may be able. But I should not perform here all that I am able to. (*Laughter*). That is my humble opinion.

DEPUTY PRESIDENT : If the member is able to give an answer, let him give it.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Sir, I am able. The expression may mean, it belonged to somebody from whom it was conquered. Then who is that somebody ? *Eda* has something to do with cattle and conquest of them is not a great thing. That is why I said there is some bad meaning, something obnoxious attached to it. That is why I said I would consider very seriously before I give an answer. There is something awkward in answering under strain.

DEPUTY PRESIDENT : I cannot allow that kind of frivolous speech. If the member has any other arguments, he may proceed with them.

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Yes, Sir. I have my own doubts whether the attention of the Committee was drawn to this aspect, *viz.*, whether a distinction shall be drawn between any class of Edavagais or *Desadhipathis*. All of them are entitled to be called by the same name. That is an important matter which has to be taken notice of.

Vast divergences have been made from the original Bill and that is subversive, of course, of all legal and accepted principles. There is the vexed question about the levy of *taravila* which has already been adverted to. There is next the Land Conservancy Regulation. It was passed about 45 years ago. This is the first time it is sought to be extended. It was thought necessary that properties belonging to Government should be conserved and hence that legislation was enacted. On the assumption that all lands belonging to Government would be utilised for public service, the right was conserved in the hands of Government for the public benefit. The Government would not release these rights all on a sudden, but only when occasion arose; and they must be satisfied that such rights should be released. It is on that principle that the Government passed the Land Conservancy Regulation. That principle is accepted by all Governments. That stands the test of time even to-day, because that is a principle which has necessarily to subsist for the preservation of the citizens' rights, for the protection of the citizen' rights, for the betterment of the citizens' rights. It is only in that view that the right is reserved. By virtue of that, Government release their rights bit by bit and impose restrictions upon which the release of rights could take place. If you want a plot of land, you will have to pay a decent sum by way of *taravila*. It is not for the aggrandisement of individuals. It is to act as a check on unauthorised appropriation of properties belonging to the public.

DEPUTY PRESIDENT: Can the member give me an idea of the time that he would still require?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I may require some 15 minutes more.

The House adjourned at 1·15 and re-assembled at 2 P. M.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, as I have been stating, the Land Conservancy Regulation is intended for the public benefit and it is that alone that justifies its continuance. A person, who, under the existing provision of the Land Conservancy Regulation, enters upon a land coming under the Regulation has no right to claim that property. It is expressly laid down that he will not be entitled to claim value of improvements. These are two of the important provisions contained in the Land Conservancy Regulation; and any person entering upon such lands has absolutely nothing to complain of if he is turned out, after having spent large amount of labour and money on them. Now what is the law relating to other lands? It is this. There is no statutory enactment, but the law, as administered

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in this State, is a law consistent with justice, equity and good conscience, as stated in the Civil Courts Regulation, and upon the application of that principle, it has been laid down in a long series of cases decided by the High Court that even a trespasser is entitled to the value of improvements. If that is so, and if the person in possession of Edavagai lands thought that they were being held as those which did not fall within the purview of the Land Conservancy Regulation, is it competent on our part, or is it just and proper that we should come forward and say that lands which were hitherto being considered to be lands on which we can effect improvements which, on eviction, shall be compensated for, shall hereafter be grouped under the class of lands coming under the Land Conservancy Regulation? That is an innovation that has been made by the introduction of this Bill.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether the trespasser, or those who trespass the land under the Land Conservancy Regulation, is liable for compensation under the Act?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Lands coming within the purview of the Land Conservancy Regulation are lands for which no one can claim a right. All lands belonging to Government are, in the first place, classed under *poramboke* lands and they are being released, bit by bit, as occasion arises. When land is transferred from *poramboke* to *tharisu*, the Land Assignment Regulation comes into operation. Until that time, no one can claim the land. And this distinction must be borne in mind in regard to Sirkar lands that, on account of the subsisting statutory provision relating to all lands coming within the purview of that Regulation, the ordinary law is rendered inapplicable. If you enter upon another's land, you are liable under the criminal law; but if the owner of the land does not protest or does not take early step for eviction, you are entitled to full compensation for all improvements effected and also acquire full proprietory rights by adverse possession. That is what the law is. The lands belonging to the Edavagais are subject to these rights at the present day. These rights are done away with by the present Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I wish to have a ruling on the question whether members may discuss the merits or the demerits of the Report.

DEPUTY PRESIDENT: The details set forth in the report are relevant in some measure, because, unless a member is able to make out a case for recommittal, the Assembly will not be able to vote upon it. But details may be referred to only when they are absolutely necessary.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): If a trespasser or a tenant is evicted after making valuable improvements on lands, he is at the same time entitled to be compensated for. In the case of lands held on permanent tenure under permanent occupancy rights, neither of these questions arises. Now,

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if this is the law when we introduce a Bill, we ought to consider how far we shall go in the matter of adjusting the rights of the parties. After going through the Bill, as redrafted by the Committee, I am not in a position to say that the Committee has kept in view this principle. It is stated that all lands, except when they are held under permanent occupancy rights, shall not be deemed permanent at all. My humble opinion is that no statutory enactment is necessary for this purpose. The only relief that is given in respect of those lands, by the provision contained in the Bill, is that the Jenmies are entitled to rights of permanent occupancy from the holders of these lands. Under the Revenue Recovery Regulation and the Land Conservancy Regulation, no right is conferred upon the tenant. There is no new legislation, no new principle, no new privilege conferred upon the tenant. But there is every privilege conferred upon the Chief.

In regard to all other lands, it is said that they shall be classed as *thanathu* lands. That is Clause 5 sub-clause (2) (ii). It is said that they shall be dealt with by the parties themselves or that they shall be dealt with in accordance with the agreement between the parties. Sir, for myself, I am not able to see why there should be a special legislation to give sanction to this Clause, because I am aware that even today such agreements do not come within the purview of Section 23 of the Indian Contract Act. There is nothing illegal, nothing immoral, in such agreements being entered into.

Then with regard to Clause 3. This Clause states that in regard to lands held on usufructuary mortgages no *Tadivila* or *taravila* need be paid. Nothing is said about the mortgage amount. Under the new Bill, it is laid down that the tenants shall not be entitled to anything, but that the Chiefs are to get everything. Thus Section 5, which takes the place of the original Sections 3 to 5, involves a large departure from the principle of the Bill as was originally drafted.

When the lands are classed as *thanathu* lands, Section 7 comes into operation. That Clause is intended to throttle the tenants and for evicting them summarily under the provisions of the Land Conservancy Regulation.

DEPUTY PRESIDENT : Your time is up.

MR. PUTUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know why, Sir ?

DEPUTY PRESIDENT : The 15 minutes' time asked for by you was allowed and is now over.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : May I submit one thing ? When I was speaking, the Deputy President asked me what time I would take to finish my speech. I suggested 15 minutes roughly and that I personally did not demand any time.

DEPUTY PRESIDENT : I asked the member how much more time he would require and he said that he would take 15 minutes. Therefore I expect the member not to prolong the discussion.

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I may be permitted to make one statement. Before lunch time I made a statement that I require some 15 minutes; but now Sir, I find that, if you would allow me to speak, I have two or three points more to speak upon.

In regard to speeches on legislative matters, there is no time limit. If you are satisfied that my speech is redundant, I may be asked to stop.

DEPUTY PRESIDENT: Will you please take your seat ? It may be distinctly understood that in these matters time is very necessary for members to express their ideas and Mr. Krishna Pillai has had a very considerable time allowed to him and out of respect for the House, I ascertained from Mr. Krishna Pillai before we rose that he would require 15 minutes. Ordinarily the time cannot be exceeded, but because Mr. Krishna Pillai said that he has got one or two ideas more I give him a little more time. I cannot allow anything more than 2 minutes.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : I am entitled to speak when a Bill is placed before us for discussion for any length of time, provided I do not commit any breach of the rules as have been published till now.

DEPUTY PRESIDENT: The member shall not make any observations on my ruling.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : I do not want a minute's time of the House if I am not *entitled* to speak. If you are going to pass such a ruling, I do not want to speak—

DEPUTY PRESIDENT: Order, Order.

I expect the member to take his seat when I am up. It is not a question of my passing a ruling for a future case. I have already passed a ruling and that ruling must be submitted to.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Within the short time that has been allowed to me I am not in a position to state what I have to state on this matter and I shall be stating whatever I want to state only if I have the right to state. I do not want any concession. With that protest, Sir, I take my seat.

DEPUTY PRESIDENT: Mr. Krishna Pillai should apologise. I may call the attention of the House to the fact that everything reasonable, as permitted by the rules of procedure in this House, has been done. Mr. Krishna Pillai has taken a very considerable time. Certainly in discussing Bills a certain amount of latitude has to be allowed. But on the definite undertaking of Mr. Krishna Pillai that he would want 15 minutes, more that was also allowed. A further request was made and I allowed Mr. Krishna Pillai further time. To question the rulings given from the Chair is not in keeping with the prestige and dignity of the House. I would therefore ask Mr. Krishna Pillai to withdraw his remarks on the ruling.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Sir, I wish to state—

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DEPUTY PRESIDENT : Is the member prepared to withdraw his remarks on the ruling?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Yes. If there is any remark that has been made by me upon the ruling made by the President, all those statements are withdrawn, and at the same time, I want to state that I do not want to speak unless I have a right to speak.

MR. K. R. ELENKATH (*Kalkulam I*) : I have to clear a doubt, Sir. I want to know whether there is a time limit when a member is speaking on a Bill if he is not redundant.

DEPUTY PRESIDENT ; I am very sorry that I am obliged to answer this point which does not seem to arise. Mr. Elenkath has raised a point of order. I am bound when I am in the Chair to give a ruling. My ruling is this. Irrelevancy is one circumstance, redundancy is another, frivolity is a third, doing anything not contemplated by law is a fourth and so on. The present question is not any one of these. Considering the large number of members who have yet to speak and considering also what was stated by the President when we began the discussion this morning, I think the Chair has got a duty to itself and to the House and therefore no more time should have been allowed. I do not wish to state which is the particular ground that weighed with me. I say this because I have got reason to think that no more time can be allowed.

MR. A. EASWARA PILLAI (*Kottarakara*) ; Sir, I oppose the amendment for re-committal. I think that the Select Committee has considered all the aspects of this matter. The Select Committee has thought it fit to apply the provisions of the Bill to two of the Edavagais because the other two Edavagais—Kilimanur and Edappalli—have been already settled under Regulation IV of 1068. The only new principle that has been introduced by the Select Committee in this Bill is the imposition of *taravila*. *Taravila* was introduced as Government tax in 1069 and consistently with the position that Edavagai lands should be treated as Government lands, I do not find any objection in imposing *taravila* on Edavagai lands. Even if this House thinks that the imposition of *taravila* is unfair, the clause relating to this may be deleted. The Committee has made only verbal changes in regard to other provisions of the Bill. My submission is that the recommittal of this Bill is not at all necessary. If imposition of *taravila* is obnoxious to some of the members of this House, that Clause can be conveniently deleted from the body of the Bill. As this amendment is not at all necessary and expedient, I strongly oppose it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : Sir, having had the misfortune to be one of the signatories forming the majority in the Select Committee that sat on the Edavagai Bill and having been now accused of having spoiled the broth to such an extent as to necessitate the recommittal of the Bill, I find it necessary to reply, at any rate by way of self-defence, to the charges so baselessly levelled against us. I beg to be excused for having used the expression 'us' the plural, for

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I am speaking only on my behalf, since I am afraid that any of my friends forming the majority group may stand up and remark that I have no business to speak on his behalf.

DEPUTY PRESIDENT: It is presumed that you are speaking only on your behalf.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): That is all right. I have no business to speak on their behalf. I am further sorry that all that has been said by Mr. Thanu Pillai is not in my mind just now especially on account of the lapse of time between the commencement and the close of his speech, though he was at pains to impress the House by repeated applications of his argument which he pressed in all the glow of fervid pathos for the tenants who in his imagination are poor people. Therefore the reply I am just now making is only in regard to such of the matters as I am able to recollect.

The mover of this amendment, Mr. Kunjukrishna Pillai, started by observing that considerable confusion has been introduced by the Select Committee in regard to the names of the subject-matter dealt with in the Bill, *viz.*, 'Edavagais' which he says have also been called by the name 'Estates', in some Sections of the Bill. In Mr. Kunjukrishna Pillai's opinion, when an Edavagai has been referred to as an Estate, it amounted to something like taking the particular Edavagai a peg down so far as its status is concerned. But Mr. Thanu Pillai who purported to support him did not evidently support him in that respect for according to Mr. Thanu Pillai it did not matter whether it is known as an Edavagai or as an Estate and he illustrated his view by saying that a being may be referred to as a man or an ass or some such thing.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I did not say anything like that. I should like to see that all these Edavagais are treated alike, called by the same general name and so forth. Reference to man and ass was just the other way. What I said was, I don't see why one man is called an ass and the other a man.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): So far as Mr. Thanu Pillai is concerned, what I understood was the name did not matter at all and I was simply referring to him to illustrate that even if a being is called an ass from his point of view it did not matter. It is only for that purpose that I referred to that. Now Mr. Puthupalli Krishna Pillai, speaking on the same subject, said the expression Edavagai is more derogatory than the other. So on this subject of naming Edavagai, we have got various conflicting views, so much so, I do not quite see how far this particular contention is really supported. So far as the expression Edavagai is concerned, it is in the Government accounts it is in statutes as much as the word Estate and the Select Committee thought that the expressions as used in the statute need not be tampered at all. Hence in referring to Kilimanur and Edappalli, since the statute used the expression Estate, the Select Committee retained it for the very good reason that there is already a statutory recognition of that expression in Travancore. In the Land Assignment

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Regulation, in the Land Conservancy Regulation as well as various other Regulations, if I recollect correctly, the expression Edavagai is used. So then on this point of nomenclature, the criticism that has been levelled against the Select Committee has no basis. Then it was pointed out that all the Edavagais have not been put upon the same level so much so the report submitted by the Select Committee suffers considerably in the artistic presentation of the subject.

Then according to some of my friends, there are a number of other Edavagais the nature of which has not been ascertained quite well. They have been omitted from the Bill as it was originally put forward.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Has the Select Committee enquired whether there are other Edavagais?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : What was the result of such enquiry ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : There was no other Edavagai fit to be legislated upon.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : What are those Edavagais unfit to be included in the Bill ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : Detailed notes in regard to such matters are not now with me.

DEPUTY PRESIDENT : You need not answer that question, Mr. Narayana Pillai.

MR. PUTURALLI S. KRISHNA PILLAI (*Quilon II*) : What was the sort of enquiry that was conducted by the Committee ?

DEPUTY PRESIDENT : That question also need not be answered.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Was it a public enquiry or mere examination of individuals ?

DEPUTY PRESIDENT : I do not think the member is in order when he puts questions about things, which occurred in the Select Committee, in such detail.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : I wish to have a ruling on a point of order. If a member is not in order *in asking questions* with regard to what took place in the Select Committee, I wish to know whether the member who is in possession of the House is entitled to *speak* upon those matters that took place in the Select Committee.

DEPUTY PRESIDENT : I presume that words are understood in their ordinary sense. When a question was put on a matter which appeared to be relevant, I allowed it ; but when a question was put on a matter which was not quite relevant and which under the existing parliamentary practice is not fit to be allowed, I disallowed that question.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : May I proceed, Sir ?

DEPUTY PRESIDENT : Yes.

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Yesterday, Sir, in this House, we had something like a heated atmosphere when the Matches Regulation was under consideration (*Laughter*) on account of the fact that the Regulation was intended to apply not only to matches but to a number of things which were not disclosed. That was the objection very rightly raised by my friend Mr. Kunjukrishna Pillai.

DEPUTY PRESIDENT: I suppose you are referring to that only as an analogy.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Yes. My friend Mr. Kunjukrishna Pillai rightly raised that objection, because the legislating body could not know exactly what it was legislating about. Similarly when the case of the other Edavagais was raised, we did not know what they were or whether they were prepared to accept the terms offered in this Bill to the Poonjar and Vanjipuzha Edavagais; for example, they have agreed to meet the cost of settlement undertaken by the Government. It was not known whether there was any other Edavagai to be settled. No such information was available. It was found difficult to undertake a piece of legislation without such necessary information. It was just like 'and other articles' in the Matches Regulation. And so we had to give up the other Edavagais.

As for the distinction between the Edappalli and the Kilimanur Edavagais on the one hand and the Poonjar and the Vanjipuzha Edavagais on the other, there is ample justification. So far as the Kilimanur Edavagai is concerned, the properties in the Edavagai have been settled as *pandarapattam* lands, not as lands belonging to the Chief at all. To bring in such an Edavagai under a category of Edavagais where the Chief is deemed to be the proprietor, more or less, is anomalous. Mr. S. Nilakanta Pillai, who came in as a member of the Select Committee to represent the people of Kilimanur, as he professed, was also of the opinion that it would be better to leave Kilimanur alone.

DEPUTY PRESIDENT: I do not think you need refer to such individual instances.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I beg your pardon, Sir.

Owing to a number of considerations like that, the two settled Edavagais of Edappalli and Kilimanur had to be separately considered. Also, the main provision in the Bill as revised by the Select Committee as also in the original Bill relate only to the settlement of the Poonjar and Vanjipuzha Edavagais. And the question of the settlement of these two Edavagais has absolutely nothing to do with the Edavagais of Kilimanur and Edappalli. The only provision that was found necessary in the case of Kilimanur and Edappalli was the application of the provisions of the Land Conservancy Regulation to the lands in these Edavagais. That has been provided for; and, to that extent, these Edavagais have been put on the same level as the two Edavagais now

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proposed to be settled. Perhaps the provision in regard to the management of the Poonjar and Vanjipuzha Edavagais may also be extended to the Kilimanur and Edappalli Edavagais. Except for that, I do not think there is any force in the suggestion about special treatment being accorded to the Poonjar and Vanjipuzha Edavagais.

The main point that was discussed by Mr. Thanu Pillai in urging for the recommittal of the Bill was the introduction of the provision for payment of the *bete-noire taravila*. This, he thinks, was never contemplated at the inception of the Bill. Mr. Thanu Pillai suggests that the Select Committee travelled beyond their scope and had no jurisdiction to introduce this most objectionable thing, the *taravila*. He also pointed out that there are some complicated provisions necessitated by the imposition of *taravila*. I am very sorry to say that Mr. Thanu Pillai's observation, that *taravila* was first introduced by the Select Committee, is incorrect. Section 5 (1) of the original Bill says—

> "Subject to such rules as may be prescribed, the conduct of settlement and the proceedings of the Settlement Officer, shall, as far as may be, be regulated by the procedure for the time being in force relating to the settlement of Government lands."

And then, Section 9 says—

> "The assignment of land within an Edavagai shall be so regulated by the law for the time being in force relating to the assignment of Government lands."

Therefore, Sir, the idea, even under the original Bill, was to assimilate, as far as possible, the lands within the Edavagais of Poonjar and Vanjipuzha to Government lands. When this aspect of the matter is analysed, what strikes a lawyer going through the existing statutes is that the existing conditions and the nature of the holdings in the Edavagais cannot be disregarded Mr. Thanu Pillai emphasised two aspects of the case. Now, this Bill has been introduced by the Government, and naturally they did not deviate from what they have themselves done in regard to the settlement of their lands. They wanted, as far as possible, to adhere to their practice in the matter of the settlement of the Edavagai lands also. Mr. Thanu Pillai raised questions. 'Did not the Government settle their lands under the Royal Proclamation of 1061? Did they not also settle the lands of the Kilimanur and the Edappalli Edavagais in a similar manner after 1068? Did they realise any *taravila*? Therefore, is it not a sort of special, favourable treatment that is now sought to be accorded to the Poonjar and Vanjipuzha Edavagais?'. These questions, had they been well founded, are, certainly, very pertinent questions. But I have to point out that the whole argument is vitiated by a fallacy. In the year 1040, as Mr. Thanu Pillai himself said, by the Proclamation enacted by the Sovereign of Travancore, it was declared that the holders of certain varieties of land held on certain specific tenures, such as *venpattam*, *vechozhivupattam*, *morayilpattom*, *marayapattom* and *Darkastpattam*, the rents of which were supposed to be fixed till the next settlement,

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were entitled to permanent occupancy rights; and so, in the case of such lands, such rights were conferred on the tenants by virtue of the Proclamation of 1040. Properties were held under other tenures also, but such other tenants were not given the benefit of permanent occupancy rights under the Proclamation of 1040. As examples, I may mention *kuthakapattam*, *nadupattam* and so on.

While matters continued like this, settlement operations commenced some time after 1061 in pursuance of the Proclamation of that year. Now, where was the possibility of realising anything, be it *taravila* or *vilayartham*, from a person who had already acquired permanent occupancy rights? The bulk of the lands were *pandarapattam* lands. Certainly they could not be settled subject to any *taravila*. The tenants were already permanent holders with fixity of tenure, heritable and saleable. Where was the possibility of levying any *taravila* in such cases? That was the condition of Government lands.

Now, turning to the Edavagais of Kilimanur and Edappalli, in the year 1068, before the settlement of these Edavagais was taken up, necessitated by the introduction of the Revenue Recovery Regulation, I of 1068, Government felt the necessity of introducing a measure so that, so far as the collection of revenue under Regulation I of 1068 went, there might be uniformity not only between Government lands and lands which used to be managed by Government or the rent from which used to be collected by Government.

The Edappalli Edavagai and the Kilimanur Edavagai were from long ago practically under the supervision and management of Government officers in the matter of the collection of their rents. So, necessitated by the introduction of the Revenue Recovery Regulation, I of 1068, as may be seen from the history of the Estate Rents Recovery Regulation, the Legislature introduced Regulation IV of 1068 and had necessarily to confer permanency of occupancy on the tenants of Edappalli and Kilimanur. No question of settlement was there. The step is referred to by the learned mover of that particular measure as having been necessitated by the exigencies of the collection of revenue and the measure makes the provisions for Government holdings *mutatis mutandis* applicable to the properties in Kilimanur and Edappalli. So it was not a settlement measure. It was the conferment of permanency of occupancy upon the tenants of these Edavagais, the Edavagais having already approximated themselves considerably to Government lands. When therefore the settlement of these properties was taken up, the tenants in possession of the holdings in Edappalli and Kilimanur were already permanent tenants.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Was it to preserve that that the Regulation was passed?

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Certainly. It is also in recognition of the long-standing practice as the measure itself says.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Which Regulation?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Regulation IV of 1068. The preamble to that will clearly show that. So permanency of occupancy was there. Mr. Thanu Pillai is angry why the Sirkar did not realise anything by way of *taravila* from these people. How could they be asked to pay *taravila*? They were permanent tenants. Instead of their paying *taravila* probably *taravila* ought to have been paid to them were they sought to be disturbed. Mr. E. V. Krishna Pillai asked the other day whether provision has not been made for the settlement of permanent occupancy holdings in this particular measure. He raised a very pertinent question which Mr. Thanu Pillai, I am sorry to say, in spite of his intelligence did not catch. He simply indulged in a left-handed compliment to the Select Committee and said that they were not bad enough or mad enough to disturb a permanent right.

DEPUTY PRESIDENT: May I point out that the member suggests that another member was not able to understand, and that it is not fair?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I said that in spite of his intelligence he did not catch the point.

MR. A. THANU PILLAI (*Trivandrum—Rural*): A word of personal explanation. If the Chair will allow me, I shall answer that question.

DEPUTY PRESIDENT: I shall certainly allow you to make a very brief personal explanation on this particular point alone.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Let me finish what I have to say.

Now, when did this question of *taravila* itself originate? As my friend Rao Sahib Paramesvara Aiyar pointed out it was during the time of Dewan Sankarasubba Aiyar in the year 1069 that the question of *taravila* first of all came into existence. On the date Regulation IV of 1068 or the Pattam Regulation of the year 1040 was enacted, nobody could have anticipated the question of *taravila*. So to twist a subsequent Government notification as an argument and apply it to certain previous enactments and to bring it into the present controversy, I beg to submit, is not well-founded. Why did the Government themselves resort to *taravila*? The notification under the signature of Mr. Sankarasubba Aiyar is very clear. The tenants who take registries of land from Government get heritable and alienable interest, valuable in itself, and it is only proper that they should pay at least one rupee per acre, as he then put it, before they took the registry. I am asking the same question with respect to the present Edavagais. Suppose Mr. Thanu Pillai's sympathy secures for the tenants o

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[Mr.P. K. Narayana Pillai]

Poonjar registries without the payment of a single cash. Would they not be making a profit out of the transaction? If an acre of land is registered in favour of a particular tenant of Poonjar, the next day he may transfer it to another for 500 rupees and make a profit.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Did all the land-holders who got permanent rights transfer away their rights, because they got such rights?

DEPUTY PRESIDENT: That is a hypothetical question. The member need not answer it.

MR. A. THANU PILLAI (*Trivandrum-Rural*). My question was whether a large number of transfers was consequent upon these rights being conferred.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I am sorry I have not got statistics upon the subject, but I see that so many of the Sub-Registry offices established in the State are daily engaged in doing that business. My point is this. Mr. Thanu Pillai, when he brought in the analogy of Edappalli, Kilimanur and Government, was indulging in an unconscious fallacy for the purpose of thwarting the further progress of the Bill. I say it is an unconscious fallacy, for, knowingly, I am sure, he would not indulge in it. Therefore that argument does not appeal and cannot hold. The Select Committee therefore had to consider the question of the settlement of these lands and the assignment of these lands within the Edavagais. What are they to do? They have to settle for the first time these lands. They have to assign for the first time lands held on all manner of impermanent tenures in favour of the holders. The tenants have not got permanent occupancy of right. Some of them have got terms attatched to their holdings. Some of them hold lands under covenants. All the same I say they have not got anything like absolute right. The proprietory right continues with the Chief. Therefore he has to assign the lands in favour of the tenants under the terms proposed in the Bill. What does the Government of Travancore do just now for the purpose of assigning their lands, not only waste lands but also lands held on the sort of tenures that I was speaking about, for example, upon *nedupattam*, escheat, etc. and also on *kanapattam*? When the Government want to register these lands, 'pay down the *taravila*' is the first stipulation. Mr. Thanu Pillai is not aggrieved by that and the Government are realising, as Mr. Rama Varma Raja's dissentient note shows, at least Rs. 25 in the neighbourhood of the lands that we are now proposing to deal with. Therefore, when legally analysed, there is absolutely nothing like any objection in demanding *taravila* from the holders of *pattam* lands in these Edavagais. That is exactly what an analysis of the rather clouded provision contained in Sections 5 and 9 of the original Bill would lead to. The Select Committee had to make things clear. The question of *taravila* was raised during the discussion upon the very introduction

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of the Bill. Mr. Paramesvaran Pillai, the mover of the Bill, when he was questioned, said that the matter would be considered by the Select Committee. This is not the first time therefore that this matter originates. The learned members of the House understood that the question of *taravila* would have to be taken up. We had to clarify the position. What are the principles on which *taravila* may be claimed ; that was what the Select Committee had to consider first. Is it therefore an importation of anything by the Select Committee ? So long as the settlement had to be completed on the lines laid down by Government and the assignment of lands also had to be made on the lines laid down by Government, a demand for *taravila* is an absolute necessity. That is exactly what the Government does. So, Sir, it is not a novel introduction by the Select Committee - this *taravila*, and therefore the justice of the demand for a *taravila*. My friend Mr. Thanu Pillai said that the tenants in these Edavagais were poor. There may be poor tenants; but there are very rich tenants, much richer than the Poonjar Chief and many of us. As many as 600 acres and 700 acres are held by planters within this Edavagai. They are tenants. Are they poor people ? There are persons who have planted 20,000 cocoanut trees on lands held on ordinary *venpattam* from the Poonjar Chief. Again 6,000 acres of land are held by the Poovarani Devaswom. Are these poor people ? Are they unable to pay *taravila* ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Are there not poor people in these Edavagais ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : There may be.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : What about them ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : I say that I am objecting to the general characterisation of tenants as poor. There may be poor people also. In fact there must be. Where there are rich people, naturally poor people would be attracted. So I am saying that the sympathy of Mr. Thanu Pillai is more or less imaginary.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Sir, the sympathy is real, though probably it may have been misplaced.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : That is what I meant. On the other hand, look at the other side of the question. There are the Poonjar Chief and the Vanjipuzha Chief. I know, Sir, that owing either to the spread of education, the tendency of legislation or the socialistic movements or any other thing, some people are unable to control a sort of dislike when they hear the names of Chiefs or aristocrats. They are in the same position as the man who sang the ditty about Dr. Tell.

"I do not like thee Dr. Tell,
The reason why I cannot tell full well
But this I know and know
I do not like thee".

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DEPUTY PRESIDENT: You are making this observation not with regard to any members of this House?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Oh, no; far from it. In the present instance you are asking the Chief to do various things. First of all, the Chief has to give permanency of holding to his tenants. He has to confer permanency of tenancy. He has to see that his tenants get necessary votes as subjects of the State. If Mr Thanu Pillai's case is to be upheld, he will have to forego *taravila*. *Tadivila* he has to forego. Even Government has not to forego that. In addition there is the burden that he has to meet the settlement charges. It is a very serious thing. For all the sacrifices and heavy obligations, the Chief, it is intended, has to be paid nothing.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know the amount he has to pay now?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Very little.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know the amount he has got to pay if the Bill is passed?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): There may be difference.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know the amount he is entitled to get?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Remains to be seen. Thus the position of the Chief would become very difficult. Why should the Chief be made to pay the demand under the Land Assignment Regulation? An ordinary tenant has to meet the survey charges, the demarcation charges and other charges before he can claim a plot of Sirkar land. Here in the Edavagai, the tenant is freed from all these difficulties. The whole burden is placed on the Chief. A consolidated debt is placed on his head.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is it the member's opinion that these charges should be met by the tenants?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): If the principle of the Land Assignment Regulation is to be applied, the tenants will have to meet them. Under the Land Assignment Regulations that is the provision. We have practically adopted the Government rules upon the subject. Naturally it is the tenants that have to meet the charges for demarcation and survey.

MR. T.P VELAYUDHAN PILLAI (*Tiruvalla III*): സർവെ ബൗണ്ടറിറഗുലേഷനിൽ എങ്ങിനേയാണെന്നറിയാമോ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): In the Survey and Boundaries Regulation also the provisions are similar. After all, what is the *taravila* that is claimed? It is only Rs. 15 per acre on dry land and Rs. 50 per acre on wet lands, which do not exist in the Poonjar and Vanjipuzha Edavagais. It is only for the sake of remote contingencies and adherence to Government rules that the wet lands are brought in. These Edavagais are practically hill tracts.

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) Has the member any idea of the approximate amount?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I have not.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Would it come to Rs. 10 lakhs?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Oh, no because all the property would not be occupied It is a hilly tract that we have to deal with About 6,000 acres belong to Poovarani Devaswom.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Does the member think that *taravila* of Rs. 15 is too high a rate?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Not in the least. We are creating troubles for the Government of Travancore also. A minimum rate of Rs. 25 is realised as *taravila* from those properties carved out of the Poonjar Edavagai on the borders of the State. On this side, you are asking the Poonjar Chief to go without any *taravila*. Why should the occupants of Sirkar land pay when Edavagai tenants go scot-free? Will it not affect the value of Government land? These are some of the main points.

There are also other points raised by Mr. Thanu Pillai. He brought in the analogy of some beau-ideals of tenancy legislation. I have no time to deal with them. What I say is that nothing is going to be gained by a recommittal. We know the facts and circumstances. As honourable members of this House, let us co-operate with the Law Member to carry out this measure in the best interests of the Chiefs and the tenants. Nobody wants to ruin the tenants or to give undue advantage to the Chiefs. We want to see that justice is done to all. The tenants are numerically strong. That is no reason to depress the Chiefs. This House consists of learned and honourable members. We should see that justice is done to both the parties.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I want to ask one question.

DEPUTY PRESIDENT: Mr. P. K. Narayana Pillai has sat down.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): It is because I have stood up.

DEPUTY PRESIDENT: If Mr. P. K. Narayana Pillai is prepared to admit that he sat down after you stood up, I will allow the question.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Because I was reminded that I was exceeding the time limit, I did not want to take up further time. Therefore I sat down.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, I want to speak a few words by way of explanation. What I meant was this. Some land-holders in Poonjar and Vanjipuzha have already got permanent rights of occupancy by purchase. They will no doubt continue to have their rights even in accordance with the provisions settled by the Select Committee. In 1040, by a Proclamation permanent occupancy rights were granted to *venpattam* tenants holding lands under the Sirkar. In 1068, the same rights were declared in favour of *venpattam* tenants in the estates of Edappalli and Kilimanur. The present measure is not merely for the settlement of Poonjar and Vanjipuzha, but

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also to confer permanent occupancy rights on the tenants there. The *venpattam* tenants of Poonjar and Vanjipuzha are at present in the same position as that in which *venpattam* tenants of Edappalli and Kilimanur were just before permanent occupancy rights were conferred on them. Therefore I say that permanent occupancy right should be conferred on the tenants of the former two Edavagais without the levy of *taravila* as was done in the case of tenants in the other two Edavagais. The fact that, in the case of Poonjar and Vanjipuzha, settlement and the conferring of permanent occupancy rights are done at the same time should not make any difference.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to oppose this amendment. The amendment is that the Bill be recommitted. That amendment has been moved on my motion that the Bill be taken up for consideration. I would request the members to consider what exactly arises for determination on the amendment. As I said, the amendment is that the Bill be recommitted. That means the Bill will go to the same Select Committee. It has therefore to be borne in mind that the Bill has to go to the same members of the Committee who has now reported on it. Secondly, it should be noted that the amendment motion does not lay down any limitation on the recommittal or give any instruction to the Committee for their guidance on any point. It does not say that the Committee should consider and report upon any specific point. Say, for example, it does not say that the *taravila* should be levied or should not be levied. On the other hand, what has taken place on this motion is that a general discussion was carried on either on the merits or demerits of the Bill as reported. Let us assume for a moment that the Select Committee did not do their work properly. I am not saying that it did so. For argument's sake, let us concede it like that for a moment. By this amendment, this Committee to which the Bill may be recommitted is not being instructed or directed to do this thing or that thing or to consider and report on any specific point. Whatever arguments may have been advanced by the various individual members in this House, it cannot be said to amount to a decision arrived at by this House. For instance, Mr. Thanu Pillai as leading speaker in support of the amendment has advanced various arguments. When I refer to Mr. Thanu Pillai as the leading speaker, I do not mean to cast any reflection on the other speakers. I say so because he made a lengthy speech. Now his arguments or views cannot be considered to be a decision of the House binding on the Select Committee nor as any instruction to the Committee. That being so, some very weighty reason should be shown why the Bill should be recommitted.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Cannot an opinion be gathered by the general discussion carried on in this House?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, no opinion of the House as such can be gathered.

Mr. Thanu Pillai was a leading speaker in support of the motion. He was also a member of the Select Committee. If you compare his arguments here with his dissenting minute, you will find that his speech is but a development of his minute. It might be presumed

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therefore that he has brought all these points to the notice of the Select Committee. I am not disclosing all that took place in the Select Committee. I am only saying that it can very reasonably be presumed that he brought all these points to the notice of the Committee. Yet they came to the judgment that they have now come to. So, if the Bill is to be committed to the same Committee what use is it going to serve?

MR. K. R. ELENKATH (*Kalkulam I*): Does it mean that the Bill should be recommitted to the same Select Committee comprising the same members?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, it will have to go to the same Select Committee, that is the motion.

MR. K. R. ELENKATH (*Kalkulam I*): To *a* Committee or to the *same* Committee?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) The same Committee, such is the motion before the House. If all the points that have been raised by individual members had been really brought to the notice of the Select Committee already and they still came to the judgment that they arrived at, what is the use of asking the same Committee to deal with the same points and come to another judgment? It would perhaps be open to tell this Committee "you proceed with one particular point and report upon it" or some such thing. For instance, much has been said about *taravila* that is proposed to be levied on the land. I would have been very glad if that question had been made a subject of decision on this motion and the Committee asked to reconsider. It is not proposed to lay down anything specific at all by the motion. Suppose the House decides that *taravila* should not be levied. If it is so decided, then a substantial portion of the Bill would have to be recast and the Committee may be asked to redraft it. But the Assembly has not and is not asked to come to any such decision. There was only a general discussion and the Committee is asked to reconsider the Bill. The Committee has already presumably considered the points raised here, because Mr. Thanu Pillai was in the Committee, and they have come to a judgment. It is clear that there can be no use whatever in recommitting the Bill. It is open to the House to correct the judgment arrived at by the Committee or to give specific instructions. I fail to see however what useful purpose is going to be served by such a recommittal as is proposed by the motion.

MR. M. SIVATANU PILLAI (*Tovala*): Can it not be taken as a token motion recording the disaffection of this House of the work of the Select Committee?

DEPUTY PRESIDENT: Token motion is in a financial matter and not in a legislative measure.

Mr. Kunjukrishna Pillai may have his reply.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I may point out that the mover of an amendment has no right of reply.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, may I know from the Law Member the exact rule under which he takes shelter?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Para 67 of the Manual, page 26.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is there not a provision for recommittal without limitation?

DEPUTY PRESIDENT: The member is too late in saying that. The Rule says that "a member who has moved a motion may speak again by way of reply..... ...provided that nothing in this sub-order shall be deemed to give any right of reply to the mover of an amendment to a Bill.....save with the permission of the President." I exercise my discretion and hold that Mr. Kunjukrishna Pillai may be allowed to speak.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, in view of the objections taken by the Law Member against my amendment for recommittal of the Bill as redrafted by the majority of the Select Committee, I wish to be permitted to answer the technical objection raised by him. He says that, if the Bill is to be recommitted, it will only go to the same Committee. That Committee is presumed to have tackled all the arguments which have been put forward in this Assembly at this Session. The leading speaker of the motion Mr Thanu Pillai who was a member of the Committee has almost exhausted on the floor of the House all the points dealt with in his dissenting note. It may be presumed that all these points will have again to be brought to the notice of the Select Committee and if the original Committee were again to function what is the purpose of the recommittal. That is the question. On reading Standing Order 98, page 35 of the Manual, sub-clause (1) and (2), there is a provision for recommittal of the Bill without limitation and my motion does not say that the Bill should be recommitted to the same Select Committee.

It is not specifically stated that the Bill should be recommitted to the same Select Committee. It is open to the Law Member to include names of members who sat on the old Committee to a fresh Select Committee. In other words, he can suggest another Select Committee and include those names and it can be done without any limitation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Limitation of what?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Limitation of the points that have to be considered.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Is it limitation, with respect to any particular portion of the Bill?

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MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Yes, particular points of the Bill may be referred for consideration or the whole Bill can be recommitted unconditionally. It is no defect at all. For instance, portions of the Bill relating to *taravila* are not definite; with a view to see that all possible defects in the Bill as pointed out by the House may be rectified, provided a chance is given, I think there is no fatal objection, any insurmountable difficulty for taking up this Bill to another Select Committee and consider it carefully, making the necessary amendments in the light of the discussion that took place now.

MR. S. J. NAIR (*Nedumangad*): Is it the member's point that the member in charge of the Bill alone has got the power to such recommittal of the Bill or any member has got the power under Rule 98 to suggest recommittal?

DEPUTY PRESIDENT: Mr. Kunjukrishna Pillai's motion is in order.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I do not think there is any technical objection for recommittal. There are, I do suggest, specific points for consideration in the new Bill.

DEPUTY PRESIDENT: To facilitate discussion, may I say this? The amendment reads "that the Travancore Edavagai Bill as redrafted by the Select Committee be recommitted." Mr. Kayalam Paramesvaran Pillai's observation was that, if it is to be recommitted according to the vote of this Assembly, it has necessarily to go to the very same Committee, because the word 'another' does not find a place in the amendment. That is Mr. Paramesvaran Pillai's point.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): My contention is, neither have I suggested that the Bill should be recommitted to the same Committee. I have not committed myself either way. It is open to the mover of the Bill, in the light of the discussion that has taken place, to ascertain the wishes of the House and act with the assent and co-operation of all.

DEPUTY PRESIDENT: I think, the member need not pursue that point further, because we go by the expressions used in the amendment. The amendment proposed does not suggest *another* Select Committee, so further discussion is unnecessary on that point.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Nor is it said that the Bill should be recommitted to the same Committee.

MR. K. C. ABRAHAM (*Kottayam II*): I have a question to ask my friend just to make the position clear. After the Select Committee has presented its report and done its duty, may I know, is there now in existence a Select Committee?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): No. That point strengthens my argument further. I am thankful to the member for that suggestion. All that it means is, points which require further consideration can go only to a new Committee.

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DEPUTY PRESIDENT : To facilitate discussion and to avoid waste of time, am I to understand that Mr. Kunjukrishna Pillai"s suggestion is that the Bill should be referred to a defunct Committee?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : If that is deemed necessary, the Bill may be permitted to go to a Select Committee of *this* Assembly. There is no insurmountable difficulty in that. What I suggest is this. It will be seen there is strong difference of opinion that certain provisions of the Bill as re-drafted by the Committee are innovations affecting the fundamentals of the Bill as once accepted by the House and committed to the Select Committee. I do not think it can be seriously urged that the changes that have been made are little, are not fundamental and so a new Select Committee is not necessary. There are various points to be dealt with. It might be necessary to take evidence and ascertain the views of the tenants more fully. It might be possible to arrive at a greater common measure of agreement with regard to this Bill, which will certainly facilitate its passing. I am not putting any obstacles in the way of Edavagais functioning properly. No time could be gained by disallowing this motion for recommittal. Possibly the Assembly is going to lengthen the period for the passing of this Bill, because of the controversial provisions and amendments as they stand now, if incorporated, will seriously affect the rights of the tenants of the Edavagais and —

DEPUTY PRESIDENT : The desire to save time does not arise and so no more comment need be made on that.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : My point is that this legislation is not urgent. If the Bill is considered by a Select Committee carefully and only necessary provisions are brought for discussion in this House, it will be easier to get through the Bill and nobody need be anxious that the Bill—

DEPUTY PRESIDENT : I am sorry, I have to interrupt Mr. Kunjukrishna Pillai in his speech. If he omits the word ' carefully ' in your comment, I can allow you to go on.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : My point is—

DEPUTY PRESIDENT : The member said that if the Select Committee hereafter considered the Bill carefully and all that. The word ' carefully ' creates an aspersion on the Committee.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I never meant that But I say, the Committee was too careful, over careful. I did not mean any insinuation. Far from it. I only say they were less careful, I have not the faintest idea that they were less careful. As a matter of fact, they sat over the Bill for 17 days, So much so, they have altered the very phase of the bill, they have altered it beyond recognition. Can I say then that they were not careful? No, never; and I never meant that. What I suggest is, if this Bill is committed to a Select Committee in view of the discussion or expression of opinion that has taken place in this House, it may be helpful and expedient, to redraft the Bill on these lines and it will be easy to have the Bill passed.

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Sir, nobody is anxious to do anything against the interests of anybody. It is far from me. We ought to be and we are all, I suppose, anxious that justice should be done to all. Legislation should take its normal course, without fear or favour. And as suggested, I consider it legitimate and proper for this Assembly to have this Bill scrutinised further; and if a case has arisen for recommittal, I submit, in all humility, it is here. Now, here is a fit case for recommittal. I do not wish to go into details. I refrain from considering the question of the desirability or otherwise of the *taravila* or *tadivila* or other provisions of the Bill. I retain to myself the right of speaking when—

DEPUTY PRESIDENT: That undertaking is not necessary.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): While speaking on the amendment, I do not wish to refer to the arguments adverted to by my friends and replies thereto. I do not wish to commit myself as to the desirability or otherwise of the provisions relating to *taravila*, etc. On the ground that the Bill has received substantial alterations at the hands of the Select Committee and that it has brought a new Bill to this Assembly, this Assembly has to consider the motion for re-committal. Again the question of *taravila* is a matter which affects a considerable population of the State and this has to be considered as though it is a matter affecting our interests as well.

DEPUTY PRESIDENT: I am very sorry to interrupt a speech. Will the member omit the word carefully in his speech?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I said that the Bill should be carefully gone through. I used it only as a suggestion and I did not mean to impute anything to the members of the Select Committee. Far from that, they were very careful, too careful and over-careful. They had not submitted their report without adequate scrutiny. They were sitting over it for 17 days and considered it minutely. They have altered all important recommendations. Can I say they were not sufficiently careful? Am I mad to say that? It is far from my mind. What I suggest is that, if the bill is re-committed to a Select Committee, in view of the discussion that has taken place, in view of the opinion that has been expressed, it may be helpful, it may be expedient to redraft the Bill on these lines and it will be very easy then to get the Bill passed.

Sir, nobody is anxious to do anything against the interests of anybody. It is far from my mind, but we ought to be, and we are all anxious, I suppose that justice should be done, to all that all legislation should take the normal course without fear or favour and as such, I consider it will be the right of the Assembly to have it scrutinised further. If a case has arisen for recommittal, I submit that this is the best case for a recommittal and I do not wish to go into the details and comment on the desirability or otherwise of the various

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[Mr. K. Kunjukrishna Pillai.]

provisions. I refrain from doing that even when I move my amendment. Sir, I refrain from considering the question of the desirability or otherwise of the *taravila* or other provision of the Bill. I retain to myself the right of speaking when the amendments on this Bill are moved. The Bill has received substantial alterations in the hands of the Select Committee and this Assembly,—considering that it is a matter that affects a considerable population, whose interests are not well represented in this House—it has to be considered as though this question of *taravila* affects all of us. What would be our attitude if the question of *taravila* affects all of us? What would be our opinion, and what would be our attitude? All these have to be considered carefully and I wish to appeal to the members once more, and that is, that it would be desirable to pass the Bill after the Bill is committed to a Select Committee which may be directed to scrutinise it, and bring it, if the House so desires, say, even within two or three months and we can pass the Bill then, without any difficulty. The House must fix a time limit and that would be satisfactory in the interests of all. So, I do strongly appeal to all members, as a matter of right, that this new Bill, virtually it is a *new* Bill, that has been submitted to the House, should go through the usual process of other Bills through the scrutiny of a Select Committee before it is taken up for consideration. I do not wish to dilate upon other points, so, I wish to appeal to one and all once again for the acceptance of my amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): My objection to the motion is not that there is anything technically wrong. My objection to the motion is that, as it stands, it can serve no useful purpose.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I wish to speak a few words more by way of explanation to that point.

DEPUTY PRESIDENT: The member need not raise that point. Now, the motion may be put to vote. Mr. Kunjukrishna Pillai's motion is "that the Travancore Edavagai Bill, as redrafted by the Select Committee, be re-committed."

The motion was put to vote and lost, 8 voting *for*, 45 *against* and 14 remaining *neutral*.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I demand a poll.

A poll was taken with the following result:—

AYES—8.

1	Mr. P. Chidambaram Pillai	5	Mr. S. Nilakanta Pillai
2	,, A. S. Damodaran Asan	6	,, Changanachery K. Parameswaran Pillai
3	,, Puthupalli S. Krishna Pillai	7	,, A. Thanu Pillai
4	,, K. Kunjukrishna Pillai	8	,, N. E. Varughese

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NOES—45.

1	Mr. N. Abdur Rahiman Sahib	24	Mr. E. K. Kunjuraman
2	,, K. C. Abraham	25	,, C. O. Madhavan
3	,, T. K. Alexander	26	,, M. K. Madhavan Pillai
4	,, S. Chattanatha Karayalar	27	,, P. C. Narayanan Bhattatiripad
5	,, A. Easwara Pillai (*Kalkulam II*)	28	,, K. A. Narayana Pillai
6	,, A. Easwara Pillai (*Kottarakara*)	29	,, Pacode A. Narayana Pillai
7	,, Antony George	30	,, P. K. Narayana Pillai
8	,, K. George	31	,, G. Nilakantan
9	,, M. Mahomed Haneef	32	,, R. Nilakanta Pillai
10	,, S. J. Nair	33	,, K. Padmanabhan
11	,, M. K. Janardana Kamath	34	,, N. K. Padmanabha Pillai
12	,, T. S. Jayantan Namboodiri	35	Rao Sahib S. Paramesvara Aiyar
13	,, N. John Joseph	36	Mr. Kayalam Paramesvaran Pillai
14	,, T. C. Joseph	37	,, V. Ramakrishna Panicker
15	,, K. C. Karunakaran	38	,, R. Raman Pillai
16	,, T. T. Kesavan Sastri	39	Rao Bahadur N. Ramanuja Aiyangar
17	,, K. M. Krishnan	40	Mr. K. Sankaran
18	,, K. P. Krishna Menon	41	,, R. M. Statham
19	,, E. V. Krishna Pillai	42	,, G. B. E. Truscott
20	,, N. K. Krishna Pillai	43	,, T. P. Velayudhan Pillai
21	,, T. Krishna Pillai	44	,, P. G. Rama Varma Raja
22	Rao Sahib Dr. N. Kunjan Pillai	45	,, N. Govinda Menon
23	Mr. C. V. Kunjuraman		

NEUTRALS—14.

1	Mr. V. T. Chacko	9	Srimati T. Narayani Amma
2	,, K. R Elenkath	10	Mr Edavanatt S. Padmanabha Menon
3	,, E. H. Francis	11	Kainikkara M. Padmanabha Pillai
4	,, Pottayil S. Krishna Panicker	12	,, M. Sivatanu Pillai
5	,, K. M. Kuriakose	13	,, S. Thiraviyam Nadar
6	,, K. Madhavan	14	,, V. K. Velappan Nair
7	,, K. Mahomed		
8	,, M. N. Nair		

The motion was declared lost.

Clause 1.

DEPUTY PRESIDENT: We shall proceed to the Clauses. The first amendment is to clause I, Sub-Clause (3).

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I move to substitute the word 'Edavagais' for 'Estates' before the words "of Kilimanur and Edappalli" in Sub-Clause III, that is, Edavagais of Kilimanur and Edappalli instead of Estates of Kilimanur and Edappalli.

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[Mr. K. Kunjukrishna Pillai.]

Sir, the object of this motion is to secure uniformity of legislation; when the Bill was brought to the House, at first, it was intended to provide a consolidated legislation for all the Edavagais. I do not see the reason for deviating from that principle and to discriminate as between Edavagais.

The term Estate is applied to the Edavagais of Kilimanur and Edappalli in the Rent Recovery Regulation. But this House on a previous occasion affirmed the principles of a Bill which purported to give a consolidated piece of legislation to all Edavagais and proposed to repeal the Rent Recovery Regulation. Under these circumstances, I suggest that the term Edavagai be substituted for Estates in respect of Kilimanur and Edappalli.

MR. S. J. NAIR (*Nedumangad*): With the permission of the Chair, I wish to say a few words.

DEPUTY PRESIDENT: Mr. S. J. Nair is out of time. He is out of order.

MR. S. J. NAIR (*Nedumangad*): With the permission of the Chair, shall I amend choosing a compromise? Whether it be a compromise for further amendment or not, I do not exactly oppose the motion that has been brought forward by Mr. Kunjukrishna Pillai.

DEPUTY PRESIDENT: Mr. S. J. Nair, what is your idea? Now let us have your corrected amendment.

MR. S. J. NAIR (*Nedumangad*): I propose that after the word Estates and before the word 'Kilimanur,' within brackets, 'Edavagais' be added.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I object to this amendment on the ground that no notice has been given.

DEPUTY PRESIDENT: I permit him to move the amendment.

MR. S. J. NAIR (*Nedumangad*): I move that amendment in order to make clear the objects and reasons of the Bill. When the Bill was brought forward before this House, it was stated that the expression was used for Kilimanur and Edappalli and further for the reason that the expression is much more geographical and does not spoil the sense of the term Estate. So, I beg to move that after Estates, within brackets, 'Edavagais' be added.

DEPUTY PRESIDENT: Is there anybody to second this?

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): I second the amendment, and in doing so, I may state that Regulation IV of 1068 refers to Estates and not to Edavagais. As Mr. Kunjukrishna Pillai pointed out, it is not correct to draw a distinction between some Edavagais and others, in the matter of nomenclature calling the former alone Edavagais and the latter Estates. In this Bill it is desirable that we should use the word Edavagais throughout, while, at the same time

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recognising that in Regulation IV of 1068 the word Estates alone is employed. So the amendment which my friend Mr. S. J. Nair has brought forward will be in order. It will include both the words Estates and Edavagais. The word Edavagai, it seems to me, is an expression which has nothing to do, as far as I am aware, with the word cattle. Edavagai is what belongs to an *Edam*. *Edam* is the *sthanam* of a person who holds semi-sovereign rights. എടവകം, എടവക. This word is employed in all revenue records, and in the Land Revenue Manual, and it is for that reason that I second the amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I wish to say a few words in supporting the motion of Mr. Kunjukrishna Pillai. After listening to the special suggestions and references about this matter, I have begun to entertain very alarming ideas about the retention or substitution of the expression "Edavagais". The learned Law Member seems to doubt the propriety of substituting this word Edavagais for Estates in Sub-Clause (iii). There must be some reason for the Law Member's objection.

There must be some reasons why the Law Member should entertain such doubts because I have never seen him objecting to things about which he has no apprehensions. He has always some substantial reason. The learned mover of this amendment has reasons of his own. In legislative enactments the same idea must be expressed in the same words. One set is referred to as Estates. Are they not also Edavagais? Is there any particular dignity attached to the use of any one of these expressions? It is likely therefore that apprehensions or doubts might be entertained. Of course I am not in a position to contravert the high authority of the honourable member Mr. S. Parameswara Ayar that an Edavagai does not imply anything bad. In the Quilon District there is one class of persons known as *Edanair*. There are several villages in which such Nairs are obtainable in abundance. I do not know whether the expression 'Eda' attached to the word Nair has anything to do with the idea expressed by the honourable member.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): As a matter of personal explanation, I would say that there is much difference between the terms 'Eda' and 'Ida'.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I find from the report that it is Eda. It may be *Eda* or *Ida*. It depends upon the taste and fancy of the speller as was once said by Mr. Sam Weller.

DEPUTY PRESIDENT: On a point of language, you quote Mr. Weller as authority?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): A misinterpretation does not guarantee correctness. It is safe we do not make any distinction between these. Therefore let us have either the word Edavagai or the word Estate. As it is not possible to make use of the expression Estates, in order that it may be applicable to the two Chieftains of Poonjar and Vanjipuzha, I think this or the other alternative may be adopted.

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MR. M. SIVATANU PILLAI (*Tovala*): In the absence of any sound arguments on both sides, is there any objection to combine both the terms *Eda* and Estates?

DEPUTY PRESIDENT: The question is not in order. If Mr. Sivatanu Pillai is prepared to delete the former portion, I am prepared to allow it. As it stands, I cannot allow it.

MR. PUTHUPALL S. KRISHNA PILLAI (*Quilon II*): Of the two amendments that are before the House, one is that the expression Edavagai can be made applicable to both sets of Chieftains. The other is both the terms may be used. I am not for these unnecessary embellishments in legislative enactments. Let us have clearness of language or let us make the language as brief as possible. The interpolation of Edavagai in brackets would be like persons keeping their moustache only on one side or something like that. Let us have moustaches on both sides. Let there be homogenity. Put estate within brackets on the other side.

DEPUTY PRESIDENT: All these are absolutely irrelevant. We are talking of the meaning of words. Of course reference may be made to anything the member thinks necessary. But we should not make any serious attempt to explain any language and to use machinery which is irrelevant.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I was only trying to make language impressive; that is all, and I do not mean anything else.

DEPUTY PRESIDENT: You may proceed with the argument.

MR. E. V. KRISHNA PILLAI (*Pattanamitta*): I wish to know which is the amendment before the House now. Is it the motion of Mr. Kunjukrishna Pillai?

DEPUTY PRESIDENT: There are two amendments before the House and the members can speak on either of them at a time.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): But taking votes can relate only to one.

DEPUTY PRESIDENT: Mr. E. V. Krishna Pillai and other members are at liberty to speak on such amendment as they choose.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Sir, I have to offer some remarks with regard to the amendments that are before the House.

MR. K. R. ELENKATH (*Kalkulam I*): Is the member supporting any amendment?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): That the member will understand from the trend of my speach.

DEPUTY PRESIDENT: That is not right. You must say whether you support or oppose both the amendments.

MR. S NILAKANTA PILLAI (*Chirayinkil II*): I oppose both the amendments.

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DEPUTY PRESIDENT: You can oppose only one amendment at a time.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): The Chair a little before told some member here that he can speak on both the amendments.

DEPUTY PRESIDENT: What was said by the Chair was that there are two amendments before the House and the members may make a choice.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): I oppose both the amendments. First, with regard to Mr. Kunjukrishna Pillai's amendment—

DEPUTY PRESIDENT: We are doing here very serious business and I wish the House will rise to its full responsibility in dealing with this question. Mr. Nilakanta Pillai will proceed, and I would request you gentlemen that questions may be put only when necessary and not merely in a light way.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): The *Desoms*, Poonjar, Vanjipuzha, Kilimanur, and Edappalli stand on a different footing. The conditions of property obtaining in Kilimanur are not like those obtaining in any other *Desom*. In Kilimanoor the properties are *Pandaravaga* lands. The Kilimanur Chief has no proprietorship over the properties. Government is the proprietor of the lands in Kilimanur. In all the Government records you will see that they are *Pandaravaga* lands. So I want to maintain some sort of distinction between the properties in Kilimanur and the properties in Vanjipuzha, Poonjar and Edappalli. I do not attach much value to difference in names; yet we have to see that the properties in Kilimanur are not the properties over which the Chief has ownership. We want to see that some sort of distinction is maintained. Moreover in this Bill, the term Edavagai is defined. If that definition is taken away, then I have no objection that Kilimanur is also called an Edavagai. But as long as this definition is retained there, I have very serious objection to Kilimanur being called an Edavagai. With these remarks I oppose the amendment of Mr. Kunjukrishna Pillai.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): Is the member able to draw any distinction between Edappalli on the one hand and Vanjipuzha and Poonjar Edavagais on the other? Has he any objection to these being named Edavagais, whatever may be the case with Kilimanur?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): I may tell the member that I am not in a position to make any distinction between Edappalli on the one hand and Vanjipuzha and Poonjar on the other. I know as a matter of fact that properties of Kilimanur are *Pandaravaga* lands. For example, there are in Kilimanur *Erayili* properties. Last year the Kilimanur Chief sent notices to the holders of *Erayili* properties saying that the (*Oozhiyam*) service for which properties are held is to be stopped and the Kilimanur Chief wanted the holders thereof to enter into an agreement and execute lease deeds but the tenants refused to do so on the ground that the Kilimanur Chief has no such right. I maintain

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that the Kilimanur Chief has no right to take away those properties from the tenants.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether the Kilimanur Chief is exempt from payment of land revenue to our Government?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): With regard to that, in the year 903 M. E. or so, the Kilimanur Chief has been given only the right to collect the revenue and no other rights. So I still maintain that the Kilimanur Chief has no ownership over the properties.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): I wish to know from the member whether it is his suggestion that the Kilimanur Chief is exempt from the payment of tax due to Government?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Yes, he is exempted.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): In view of the admission, what is the suggestion of the member when he stated that, so long as the definition of Edavagai stated in the Bill holds good, Kilimanur is no Edavagai?

DEPUTY PRESIDENT: That you are not *bound* to answer, Mr. Nilakanta Pillai. You may answer, if you please.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): I do not propose to answer.

MR. N. E. VARUGHESE (*Tiruvalla I*): സർ, ഞാൻ അമൻഡ്മെൻറിനെ പിൻതാങ്ങുന്നു.

DEPUTY PRESIDENT: ഏതു് അമൻഡുമെൻറിനെയാണ് പിൻതാങ്ങുന്നതു്?

MR. N. E. VARUGHESE (*Tiruvalla I*) മി. കുഞ്ഞുകൃഷ്ണപിള്ള ഇവിടെ അവതരിപ്പിച്ചിരിക്കുന്ന അമൻഡുമെൻറിനെയാണ് ഞാൻ പിൻതാങ്ങുന്നതു്. ഈ ബില്ലിൻെറതലക്കെട്ട് ഇടവകമ്പിൽ എന്നാണ്. ഈബില്ലിൽ പതിനേഴാംവകുപ്പു മുതൽ ഇടപ്പള്ളിയേയും കിളിമാന്തുരിനേയും സംബന്ധിച്ചും രണ്ടുമുതൽ പതിനേഴുവരെ വകുപ്പുകൾ പൂഞ്ഞാറിനേയും വഞ്ഞിപ്പുഴയേയും സംബന്ധിച്ചുമാണ പ്രസ്താവിച്ചിരിക്കുന്നതു്. ഇങ്ങിനെ രണ്ടുതരമായി തിരിക്കുന്നതിന് ചരിത്രസംബന്ധമായോ മറ്റു സംഗതികളാലോ ഉള്ള കാരണങ്ങൾ എന്തെല്ലാമാണെന്നു റിപ്പോർട്ടിനെപ്പറ്റി നടന്ന വാദപ്രതിവാദങ്ങളിൽനിന്നും മനസ്സിലാകുന്നില്ല. ഞാൻ ഇടപ്പള്ളിയിലെ ഒരു കുടിയാൻ ആണ്. ഇടപ്പള്ളിരാജാ എന്നും ഇടപ്പള്ളി സ്വരൂപം എന്നുമാണ് ഞങ്ങളുടെടിക്കിൽ ഇടപ്പള്ളിയെപ്പറ്റിപറഞ്ഞുവരാറുള്ളതു്. അതുപോലെ പൂഞ്ഞാറുരാജാ എന്നും പറഞ്ഞുവ

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രുന്നുണ്ട്. ഈ രണ്ടു ഇടവകകളിലേയും അംഗങ്ങളെ തമ്പുരാൻ എന്നാണ് പറഞ്ഞുവരുന്നത്. ബില്ലിൽ ഒരു ഇനത്തെ എസ്റ്റേറ്റ് എന്നു പേർതിരിച്ചിരിക്കുന്നു. എസ്റ്റേറ്റ് എന്നുള്ളതു മലയാളമല്ല. ഇംഗ്ലീഷാണ്. അതിനു തോട്ടം എന്നാണ് അർത്ഥം. കിളിമാനൂരും ഇടപ്പള്ളിയും എസ്റ്റേറുകൾ എന്നും പൂഞ്ഞാറും വഞ്ചിപ്പുഴയും ഇടവകകൾ എന്നും പറയുമ്പോൾ ഒന്നു മറ്റൊന്നിനേക്കാൾ താഴ്ന്നപടിയിലുള്ളതാണോ എന്നും അവ രണ്ടിന്റേയും കൂടിയാന്മാർക്ക് കിട്ടിയിട്ടുള്ള അവകാശങ്ങൾക്ക് തമ്മിൽ വ്യത്യാസമുണ്ടോ എന്നും സാധാരണക്കാർക്ക് സംശയം ഉണ്ടാകുന്നതാണ്. ഈ രണ്ടു ഇനങ്ങളിലും ഉള്ള കൂടിയാന്മാരുടെ അവകാശങ്ങൾക്ക് തമ്മിൽ യാതൊരു ക്ലൃതൽകുറവുമില്ല; അവർ സമന്മാരാണ എന്ന് സംശയം ഉണ്ടാകാത്തവിധത്തിൽ ഈ ബില്ലിനെ ഭേദഗതിചെയ്യേണ്ടതാണ്.

MR. K. R. ELENKATH (*Kalkulam I*): മുൻപറഞ്ഞ നാലുഇടവകകളേയുംഎസ്റ്റേറുകൾ എന്ന് വിളിക്കുന്നതുകൊണ്ടു വിരോധമുണ്ടോ?

MR. N. E. VARUGHESE (*Tiruvalla I*): അങ്ങനെ പേർകൊടുക്കണമെന്നല്ല ബില്ലിൽ പ്രസ്താവിച്ചിരിക്കുന്നത്.

അതിനാൽ എസ്റ്റേറ്റ എന്നുള്ള പേരുമാറി ഇവയ്ക്ക് ഇടവകകൾ എന്നതന്നെ പേർ കൊടുക്കണം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment. The word "Estate" has been put in, in this clause, not with a view to create any distinction between "Edavagai" and "Estate," or to suggest that Poonjar or Vanjipuzha is greater or lesser than Kilimanur or Edappalli. Any such distinction between the Edavagais is quite foreign to the very object of this measure. The fundamental object of this enactment is to settle the relationship between the tenants in the Edavagais on the one hand and the Chiefs on the other.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Does not the Law Member think that the occurrence of these two expressions in this enactment is likely, at some future date, to lead to different construction and interpretation being put upon the provisions of this measure? In view of that, is it not better that we retain only one of them and avoid all further complications?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I should certainly be very happy to avoid all misconceptions or confusion. But, this Bill applies to Kilimanur and Edappalli only in so far as the Estates Rent Recovery Regulation is sought to be amended by this enactment; and in the Estate Rent Recovery Regulation, Kilimanur and Edappalli have been called "Estates." So, unless we use here also the same expression, with respect to Kilimanur and Edappalli, it may lead to legal difficulties.

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MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Will not Mr. S. J. Nair's amendment remedy any such defect?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): Why not?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Having regard to the legal necessities of the case—

MR. S. J. NAIR (*Nedumangad*): May I ask—

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have not finished, Sir.

As I said, Sir, this Regulation applies to Kilimanur and Edappalli only in so far as it seeks to amend the Estates Rent Recovery Regulation and there these two Edavagais are called "Estates." It is a legal or drafting necessity that we use the same expression here also. That will be clear from Section 2 (1). It will be seen that Sections 2 to 17 apply to Poonjar and Vanjipuzha. When we come to Section 18, we seek to amend the Estates Rent Recovery Regulation, in which Kilimanur and Edappalli are called "Estates." No implications from the use of the expression need therefore be apprehended. It seems to me that there is a legal necessity to use that expression here also so far as Kilimanur and Edappalli are concerned. But as the member in charge of the Bill I can give this assurance that absolutely no distinction is meant to be conveyed by the use of the expression "Estate" with reference to Kilimanur and Edappalli.

MR. A. S DAMODARAN ASAN (*Mavelikara*): But, will any such assurance by the Law Member find a place in the enactment?

MR. KAYALAM RARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not yielding place now, Sir; let me finish before I am put questions.

So far as the legal requirements are concerned, we have to use the expression "Estate" with reference to Kilimanur and Edappalli, since as regards them we seek here to amend the Estates Rent Recovery Regulation alone. No misconception can arise at any time on account of this, because here is my statement, as the member in charge of the Bill, that the expression is used here merely because it has been used in the Estates Rent Recovery Regulation sought to be amended here and that no distinction is sought to be drawn between the Edavagais called "Estates', and those called "Edavagais"

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it proper to legislate with expressions in brackets?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose that amendment also, *viz.*, the suggestion of Mr. S. J. Nair to put the expression "Edavagai" in brackets after "Estate".

MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir, I have a suggestion to make. This clause may be taken up in the end; because, it

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may happen, that Section 18, which applies to Kilimanur and Edappalli may be deleted, and there may not be any need to retain the expression "Estate."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We might have done that; but we have discussed this question at some length already, and so we may go on, Sir. As it is, if Section 18 happens to be deleted in the end, I assure the House that I shall bring suitable amendments at the third reading.

DEPUTY PRESIDENT: Mr. Thanu Pillai's suggestion is belated. We have advanced sufficiently forward with the discussion of the two amendments. Further, the reasons given by Mr. Thanu Pillai, though good, are not particularly forcible; because subsequent clauses depend considerably on the use of the expression "Estate" or "Edavagai."

MR. A. THANU PILLAI (*Trivandrum—Rural*): That is not what I say.

DEPUTY PRESIDENT: I have understood you, Mr. Thanu Pillai.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I do not wish to make any statement by way of reply. I merely want to suggest that it is better that this distinction is removed even at this stage; because consequential changes may have to be made in the subsequent clauses.

I again request the House to accept my amendment.

The amendment to substitute "Edavagai" for "Estate" before 'Kilimanur and Edappalli' in sub-clause 3 was put to vote and lost.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I demand a poll.

DEPUTY PRESIDENT: Do you insist on a poll now? On every matter is it necessary to take a poll? Not that I am unwilling; but just as a matter of advice.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I do not insist, Sir.

The amendment to put "Edavagai" within brackets after "Estate," was then put to vote and lost.

MR. S. J. NAIR (*Nedumangad*): I demand a poll.

DEPUTY PRESIDENT: The reasons which weighed with Mr. Kunjukrishna Pillai will, I hope, weigh with Mr. S. J. Nair; and I hope he too will not insist on a poll. We have a lot to get through yet.

MR. S. J. NAIR (*Nedumangad*): No, Sir.

DEPUTY PRESIDENT: I am thankful to Mr. S. J. Nair.

The question that Clause 1 do stand part of the Bill was then put to vote.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I suggest that the passing of the clause may be put off till the end? There are amendments which may necessitate re-numbering of the clauses. These clauses may be put and carried after the provisions are settled.

DEPUTY PRESIDENT: I am sorry I cannot accept Mr. Thanu Pillai's suggestion.

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MR. A. THANU PILLAI (*Trivandrum—Rural*): May I make my position clear?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I give the undertaking that I shall make the necessary consequential amendments at the third reading.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Will it not be more logical and reasonable to postpone the consideration of this clause now?

DEPUTY PRESIDENT: I am strongly of opinion that this kind of argument is wrong. When an opinion is expressed from the Chair on the question, it is final.

I have taken up Clause 1 because there is no other amendment. There is Mr. Jayantan Nambootiri's amendment, and as he is not here I take it that he is not pressing it.

The question that Clause 1 do form part of the Bill was put and carried.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I demand a poll.

A poll was taken with the following result:—

AYES - 39.

1. Mr. N. Abdur Rahiman Sahib
2. ,, K. C. Abraham
3. ,, V. T. Chacko
4. ,, S. Chattanatha Karayalar
5. ,, A. S. Damodaran Asan
6. ,, A. Easwara Pillai (*Kalkulam II*)
7. ,, K. R. Elenkath
8. ,, M. Mahomed Haneef
9. ,, N. John Joseph
10. ,, T. C. Joseph
11. ,, T. T. Kesavan Sastri
12. ,, K. M. Krishnan
13. ,, K. P. Krishna Menon
14. ,, N. K. Krishna Pillai
15. Rao Sahib Dr. N. Kunjan Pillai
16. Mr. C. V. Kunjuraman
17. ,, E. K. Kunjuraman
18. ,, C. O. Madhavan
19. ,, K. Madhavan
20. ,, M. K. Madhavan Pillai
21. ,, K. Mahomed
22. Mr. K. A. Narayana Pillai
23. ,, Pacode A. Narayana Pillai
24. Srimati T. Narayani Amma
25. Mr. G. Nilakantan
26. ,, R. Nilakanta Pillai
27. ,, K. Padmanabhan
28. ,, N. K. Padmanabha Pillai
29. Rao Sahib S. Parameswara Aiyar
30. Mr. Kayalam Paramesvaran Pillai
31. ,, V. Ramakrishna Panicker
32. ,, R. Raman Pillai
33. Rao Bahadur N. Ramanuja Aiyangar
34. Mr. K. Sankaran
35. ,, R. M. Statham
36. ,, T. C. Thommen
37. ,, G. B. E. Truscott
38. ,, N. Govinda Menon
39. ,, P. G. Rama Varma Raja

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NOES—7.

1. Mr. S. J. Nair	4. Mr. T. Krishna Pillai
2 ,, T. S. Jayantan Nambootiri	5. ,, K. Kunjukrishna Pillai
	6. ,, A. Thanu Pillai
3. ,, Puthupalli S. Krishna Pillai	7. ,, N. E. Varughese

NEUTRALS—8.

1. Mr. T. K. Alexander	6. Mr. Changanachery K. Parameswaran Pillai
2. ,, E. H. Francis	
3. ,, Antony George	7. ,, S. Thiraviam Nadar
4. ,, M. N. Nair	8. ,, V. K. Velappan Nair
5. ,, Kainikkara M. Padmanabha Pillai	

Clause, 1 was added to the Bill.

Clause 2.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Sir, the Bill as it was originally framed sought to give permanency of occupancy.

MR. S. J. NAIR (*Nedumangad*): With the permission of the Chair, I rise to a point of order. The amendment which Mr. Jayantan Nambootiri has given notice of regarding clause 1 is not yet taken up.

DEPUTY PRESIDENT: That shows that Mr. S. J. Nair did not inform himself of what was taking place here. You may continue, Mr. Nilakanta Pillai.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): The Bill as originally framed sought to give to the owners of land in Vanjipuzha and Poonjar Edavagais permanent occupancy rights. But the Bill, as revised by the Select Committee, seeks to impose certain conditions on these permanent occupancy rights. Permanency of occupancy should not be made to depend upon any conditions. Sir, I submit that the words "subject or not subject to conditions" be deleted.

MR. K. R. ELENKATH (*Kalkulam I*): I second the amendment. My main argument in supporting the amendment is that this condition will give a good handle to the executive authorities to use the powers which this Legislature does not intend they should exercise. On this main ground, I second the amendment of Mr. Nilakanta Pillai.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment. The main purpose of that clause may be explained by a reference to what is provided for in this Bill. Later on, it is provided particularly that the assignment of lands within an Edavagai shall be made in accordance with the laws, rules and notifications applicable to Government lands. It will be seen from the Government Land Assignment Regulation that sometimes assignments may be made subject to conditions. It is provided therefore that in regard to the Poonjar and Edappalli Edavagais the assignments of waste lands may be made subject to conditions. With a view to make the definition applicable to such assignments also, the expression "subject or not subject to conditions" is used.

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Will the Law Member please give an instance of an assignment subject to a condition?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In the case of the *puduval* lands registered in favour of a member of the depressed classes, a condition is sometimes put in that he shall not alienate the lands.

DEPUTY PRESIDENT: The amendment is—

Delete the words "subject or not subject to conditions" in line 3 sub-clause (6) of Clause 2.

The amendment was put to the vote of the House and declared lost, 10 voting *for* and 26 *against*.

DEPUTY PRESIDENT: Mr. Nilakanta Pillai, the next amendment stands in your name. Are you going to move it?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Yes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to a point of order. We have already decided that the words must find a place in sub-clause (6) of clause 2.

DEPUTY PRESIDENT: So, I cannot allow the amendment.

MR. N. GOVINDA MENON (*Co-opted*): In clause 2, I move the following amendment:—

Substitute "holdings" for "registered holding" in sub-clause (x) (*c*).

My intention in moving that amendment is to bring it in conformity with my other amendments which follow with regard to the other sections. I request the Chair to allow me to move this amendment after the other amendment in regard to the question of *taravila* is moved and decided upon. That is the next amendment I am going to move.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): A word of explanation. The clause has to be put to the House now and it may be put. If Mr. Govinda Menon is successful with regard to his other amendments, I shall move this amendment as a consequential amendment at the third reading of the Bill, and I undertake to do it if he informs me of it. If he carries out his other amendments, then only will it be necessary to consider the consequential amendments.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Why not it be done now?

DEPUTY PRESIDENT: I cannot allow an amendment which may be of possible utility in the future. Anyhow, Mr. Govinda Menon has agreed to the proposal of the Law Member?

MR. N. GOVINDA MENON (*Co-opted*): Yes, Sir, in view of the assurance given by the Law Member that consequential amendments on the passing of my other amendments will be made by him at the third reading of the Bill, I am not very anxious to move this amendment now.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Provided he will inform me of it.

DEPUTY PRESIDENT : Mr. Govinda Menon does not press his amendment now

MR. N. GOVINDA MENON (*Co-opted*) : No, Sir.

DEPUTY PRESIDENT : The question is that Clause 2 do stand part of the Bill.

The motion was put to the vote of the House and carried.

Clause 2 was added to the Bill.

Clause 3.

DEPUTY PRESIDENT : There are no amendments to Clause 3.

MR. N. E. VARUGHESE (*Tiruvalla I*): സർ, ഒരു പോയിന്റ് അഫ് ആർഡർ ഉണ്ട്.

ഭേദഗതി അച്ചടിച്ചിട്ടുള്ള കടലാസ്സുകഷ്ണം ഇവിടെ കിടിയിട്ടുണ്ട്. രണ്ടാമത്തെ ക്ലാസ്സിനെപ്പറ്റി ഞാൻ അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയും അച്ചടിച്ചു കിട്ടിയിട്ടുണ്ട്. ആ ഭേദഗതിയെപ്പറ്റി പ്രസ്താവിക്കുവാനാണ് "ഞാൻ ഒരു സംഗതി" എന്ന് എഴുനേറ്റു പ്രസ്താവിച്ചത്. അതു പിന്നീട് എന്ന് അധികാരസ്ഥാനത്തുനിന്നും എനിക്ക് മറുപടി കിട്ടി. രണ്ടാമത്തെ ക്ലാസ്സിനെപ്പറ്റിയുള്ള എന്റെ ഭേദഗതിയെപ്പറ്റി ആലോചിക്കാതേയും എന്റെ പേർ വിളിച്ചു അതു അവതരിപ്പിക്കുന്നുണ്ടോ എന്നു് ആവശ്യപ്പെടാതേയും രണ്ടാമത്തെ വകുപ്പിനെപാസ്സാക്കിയിരിക്കുന്നു. അതു് ശരിയാണോ?

DEPUTY PRESIDENT : I am prepared to give a ruling. I asked if anybody whose name is given here is going to move his amendment, and nobody came forward. Some gentlemen came forward but did not press their amendments. It is true that Mr. Varughese said a *sangathi*. *Sangathi* under the rules as such has no place in the discussion. If Mr. Varughese had explained the situation, the Chair would have taken it into consideration and decided whether the discussion should have followed or not. From the way in which Mr. Varughese referred to *sangathi* which did not convey a definite idea to the House, the course adopted by the House is perfectly right.

MR. N. E. VARUGHESE (*Tiruvalla I*): അധികാരസ്ഥാനത്തുനിന്നും പുറപ്പെടുവിക്കുന്ന ആജ്ഞകളെ അനുസരിക്കുക എന്നുള്ള സ്വഭാവക്കാരനാണ് ഞാൻ. അതുകൊണ്ടാണ് എന്റെ ഭേദഗതിയെപ്പറ്റി പിന്നീടു പറയാമെന്നു വിചാരിച്ചിരുന്നിട്ടുള്ളതു്.

DEPUTY PRESIDENT: Will you please take your seat, Mr. Varughese?

MR. K. R. ELENKATH (*Kalkulam I*) : Sir, I rise to a point of order. This is a question which affects—

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DEPUTY PRESIDENT : I want to remind what I said this morning and what I have emphasised very many times that the rules have to be kept.

MR. K. R. ELENKATH (*Kalkulam I*) : This point affects the rights and privileges of this House.

DEPUTY PRESIDENT : What is the point of order ?

MR. K. R. ELENKATH (*Kalkulam I*) : I wish to know whether Mr. Varughese would be allowed to move his amendment at least in the third reading of the Bill. There are two sheets printed. In one Mr. Varughese name appears and it is in Clause 2 which has already been passed. I wish to know whether, because Mr. Varughese has not moved his amendment for no fault of his, he will be allowed to move his amendment in the third reading of the Bill.

DEPUTY PRESIDENT : I am very sorry, Mr. Elenkath, that I have been drawn to the necessity of giving another ruling. The circumstances have been detailed and the facts have been explained and the House was proceeding with the business in the way laid down in the rules so that the point of order raised by Mr. Elenkath does not arise.

MR. K. R. ELENKATH (*Kalkulam I*) : I wish an opportunity be given to Mr. Varughese to move his amendment at least in the third reading.

DEPUTY PRESIDENT : That is not a matter of private arrangement.

MR. N. E. VARUGHESE (*Tiruvalla I*): ഓരോ ക്ലാസ്സിനും ഉള്ള ഭേദഗതികളെ ഓരോന്നായിട്ടല്ലേ പരിഗണിക്കേണ്ടത്; അതേ രണ്ടാമത്തെ കടലാസ്സിനെപ്പറ്റി പരിഗണിച്ചിട്ട് ഒന്നാമത്തെ കടലാസ്സിനെപ്പറ്റി പരിഗണിക്കുകയാണോ?

DEPUTY PRESIDENT : രണ്ടാമത്തെ കടലാസ് എന്നും ഒന്നാമത്തെ കടലാസ് എന്നും ഉള്ള വ്യത്യാസമല്ല ഇവിടെ പ്രധാനമായിരിക്കുന്നത്. നിയമപ്രകാരം ഹാജരാക്കിയിട്ടുള്ള ഭേദഗതികളെ നിയമപ്രകാരം മെമ്പറന്മാർ യഥാകാലത്തിന് സഭമുമ്പാകെ അവതരിപ്പിക്കുകയാണെങ്കിൽ അതിനെപ്പറ്റി ആലോചിക്കുന്നതാണ്.

In Clause 3 there are no amendments.

The question is that Clause 3 do form part of the Bill.

The motion was put to the vote of the House and carried,

Clause 3 was added to the Bill.

We will proceed with the further consideration of the Bill tomorrow. We will now adjourn to meet again at 11 o'clock tomorrow.

The Assembly adjourned at 4-35 P. M.

K. MADHAVA KURUP,

Secretary to the Sri Mulam Assembly.

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